

3956. Also, petition of a few residents of Port Angeles, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3957. Also, petition of a number of residents of Washington State, protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3958. By Mr. HARRISON: Petition of Thomas Jones and others, of Berryville, Va., opposed to the proposed Navy program; to the Committee on Naval Affairs.

3959. By Mr. HAUGEN: Petition of 21 citizens of Northwood, Iowa, urging the passage of a Civil War pension bill for the relief of needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

3960. By Mr. KEMP: Petition protesting against House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3961. By Mr. KING: Petition of the National Tribune's Civil War pension bill signed by William Rose, Rushville, Ill., and 40 other citizens of my district; to the Committee on Invalid Pensions.

3962. By Mr. HOOPER: Petition of Edna Abraham and 102 other residents, of Kalamazoo, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

3963. By Mr. HOWARD of Nebraska: Petition signed by Henriette C. L. Fedderson, of Neligh, Nebr., pleading for increased pensions to Civil War veterans and widows of Civil War veterans for the relief of suffering survivors of the Civil War; to the Committee on Invalid Pensions.

3964. By Mr. KVALE: Petition of members of the Woman's Christian Temperance Union, Benson, Minn., urging passage of House bill 9588; to the Committee on the Judiciary.

3965. Also, petition of members of the Hector (Minn.) Woman's Christian Temperance Union, favoring enactment of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

3966. Also, petition of the Woman's Christian Temperance Union of Minnesota, favoring enactment of Stalker bill (H. R. 9588); to the Committee on the Judiciary.

3967. Also, petition of Omar Hanan, of Willmar, Minn., favoring enactment into law of House bills 25, 88, and 89; to the Committee on the Post Office and Post Roads.

3968. Also, petition of Farmers Union, Local No. 99, of Kandiyohi County, Minn., urging an investigation of the strike in Pennsylvania; to the Committee on Labor.

3969. By Mr. LINDSAY: Petition of R. H. Comey Brooklyn Co., protesting against House bill 7759, designed to amend the Judicial Code; to the Committee on the Judiciary.

3970. By Mr. MORROW: Petition of Rotary Club, Raton, N. Mex., opposing enactment of Box bill restricting Mexican immigration; to the Committee on Immigration and Naturalization.

3971. Also, petition of citizens of Berino, N. Mex., S. A. Donaldson, chairman, opposing proposed naval program; to the Committee on Naval Affairs.

3972. Also, petition of Parent-Teacher Association of Chamberino, N. Mex., Mrs. J. I. Ware, president, opposing proposed naval-construction program; to the Committee on Naval Affairs.

3973. By Mr. O'CONNELL: Petition of the emergency committee of the big Navy bill, Boston, Mass., protesting against the suggested naval building program involving the expenditure of from \$740,000,000 to \$2,500,000,000 during the next 5 to 20 years; to the Committee on Naval Affairs.

3974. Also, petition of the Women's Committee for Repeal of the Eighteenth Amendment, opposing the appropriation for the support of the prohibition-enforcement activities of the United States Coast Guard; to the Committee on Appropriations.

3975. Also, petition of Peter Henderson & Co., seedsmen, New York City, N. Y., favoring the passage of House bill 9296, revision of the postal rates; to the Committee on the Post Office and Post Roads.

3976. Also, petition of the Board of Young Friends Activities, Poplar Ridge, N. Y., opposing the proposed big Navy bill; to the Committee on Naval Affairs.

3977. By Mr. PERKINS: Petition of 1,200 citizens from several counties in the State of New Jersey, protesting against the passage of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

3978. By Mr. ROBINSON of Iowa: Petition against the enactment into law of the compulsory Sunday observance bill (H. R. 78) or any similar measure, signed by J. C. Siemens and a large number of other citizens of Goldfield, Iowa; to the Committee on the District of Columbia.

3979. By Mr. SANDERS of New York: Petition of the National Tribune's Civil War pension bill, signed by Mrs. G. K. Demary and 39 other citizens of Medina, N. Y., urging legisla-

tion in behalf of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

3980. By Mr. SINCLAIR: Resolutions by the Agricultural Economic Conference at Minot, N. Dak., indorsing the McNary-Haugen bill and further Government support of cooperative marketing; to the Committee on Agriculture.

3981. Also, petition of 48 residents of Williston and Epping, N. Dak., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3982. Also, petition of 62 residents of Regent and Beach, N. Dak., protesting against the enactment of compulsory Sunday observance legislation, and especially against House bill 78; to the Committee on the District of Columbia.

3983. By Mr. SINNOTT: Petition of 14 citizens of the second congressional district of Oregon, protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3984. Also, petition of numerous citizens of Wallowa County, Oreg., protesting against the enactment of House bill 78, or any compulsory Sunday observance bill; to the Committee on the District of Columbia.

3985. By Mr. SUMMERS of Washington: Petition signed by Viola G. Wing and 289 others of the State of Washington, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3986. Also, petition signed by John Gustafson and 21 others, of Pomeroy, Wash., urging increase in pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3987. By Mr. TEMPLE: Petition of a number of citizens of Greene County, Pa., in support of legislation increasing the pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

3988. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation, and more particularly House bill 78; to the Committee on the District of Columbia.

3989. Also, petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation, and more particularly House bill 78; to the Committee on the District of Columbia.

3990. Also, petition of numerous citizens of Middletown, Ky., protesting against the enactment of compulsory Sunday observance legislation, and more particularly House bill 78; to the Committee on the District of Columbia.

3991. By Mr. THURSTON: Petition of 302 students and members of the faculty of Cornell College, Mount Vernon, Iowa, protesting against the increased building program proposed by the Committee on Naval Affairs; to the Committee on Naval Affairs.

3992. By Mr. WATSON: Resolution passed by the Middletown monthly meeting of Friends, held February 5, 1928, in opposition to the proposed naval appropriation bill; to the Committee on Naval Affairs.

3993. Also, petition from Abington quarterly meeting of the Religious Society of Friends, comprising approximately 1,300 members, in opposition to increasing the naval armaments of the United States; to the Committee on Naval Affairs.

3994. Also, petition with 122 signatures of residents of Montgomery County, Pa., protesting against legislation designed to increase the naval armaments of the United States; to the Committee on Naval Affairs.

SENATE

THURSDAY, February 16, 1928

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty and everlasting God, our Heavenly Father, who hast led us through storm and sunshine, bringing us in safety to the beginning of this day, let Thy love and patience be shown forth in our lives and conversation, Thy tenderness and compassion in our words and actions. For the duties of this day strengthen us with blessings from on high, that through Thine own enabling power whatever of good has been cast down may be raised up, whatever of truth has grown old may be made new, and that all things may advance unto perfection, when the kingdoms of this world shall have become the kingdom of our Lord and of His Christ, and He shall reign forever and ever. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, February 13, 1928,

when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 2348) granting the consent of Congress to the Norfolk & Western Railway Co. and Knox Creek Railway Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River near Devon, Mingo County, W. Va.

The message also announced that the House had passed a bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McMaster	Shipstead
Barkley	George	McNary	Shortridge
Bayard	Gerry	Mayfield	Simmons
Bingham	Gillett	Metcalf	Smoot
Black	Glass	Moses	Steck
Blaine	Gooding	Neely	Stelwer
Borah	Gould	Norbeck	Stephens
Bratton	Greene	Norris	Swanson
Brookhart	Hale	Nye	Thomas
Broussard	Harris	Oddie	Trammell
Bruce	Harrison	Overman	Tydings
Capper	Hawes	Phipps	Tyson
Copeland	Hayden	Pine	Wagner
Couzens	Helin	Pittman	Walsh, Mont.
Curtis	Howell	Ransdell	Warren
Cutting	Johnson	Reed, Mo.	Waterman
Dale	Jones	Reed, Pa.	Watson
Deneen	Kendrick	Robinson, Ark.	Wheeler
Edge	Keyes	Robinson, Ind.	Willis
Ferris	King	Sackett	
Fess	McKellar	Schall	
Fletcher	McLean	Sheppard	

Mr. GERRY. I wish to announce that the Senator from New Jersey [Mr. EDWARDS] is unavoidably absent. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent that at the conclusion of routine morning business the calendar be taken up and considered until not later than 2 o'clock, unobjectioned bills only to be considered.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

HOUSE BILL REFERRED

The bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS

Mr. WARREN presented a resolution adopted by the Lions Club, of Rawlins, Wyo., protesting against changes in the present land laws or the further extension of forest reserve or Federal game preserve areas, which was referred to the Committee on Public Lands and Surveys.

Mr. COPELAND presented a petition of sundry citizens of Bronx County, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Buffalo and New York, N. Y., remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

INTERPARLIAMENTARY UNION

Mr. TYSON. Mr. President, last summer from August 25 to 30 there was held in the city of Paris, France, the annual meeting of the Interparliamentary Union.

As is well known the Interparliamentary Union is composed of groups of practically all the various nations of the world, and the American group which attended the meeting of the union last year in Paris was composed of a considerable number of Senators and Representatives of the Congress of the United States.

While the Interparliamentary Union is not an official body, at the same time it is composed of men and women, all of whom are members of the parliaments of the various countries.

The Congress of the United States contributes to the expense of the Interparliamentary Union about \$6,000 per year for the purpose of maintaining it.

The sessions of the union are held in the various capitals of the world annually and have been the means of bringing together distinguished men and women representing the various governments and for the purpose of considering matters which are of great interest to all the countries of the world.

It has been the custom to place in the CONGRESSIONAL RECORD the report of the proceedings of the meetings of the Interparliamentary Union, made by the secretary. The late Senator McKinley, of Illinois, who was formerly the president of the American group, always had these proceedings placed in the Senate RECORD.

I had the honor of being a member of the American group last year and attended the sessions of the union in Paris. I found the sessions of very great interest, and I think of very great value to the countries represented.

The sessions were held in the senate chamber of the Luxembourg Palace, Paris, and every courtesy and consideration was given to the members of the union by the Government of France.

The President of France himself was greatly interested and was present on one or two occasions when the union was in session. The president of the Senate of France presided over the sessions of the union, and the attendance from the 33 countries of the world represented was composed of men of the highest importance in their country; premiers, foreign ministers, and many others being present, and especially imposing were the delegations from France, Germany, Great Britain, Poland, and Czechoslovakia.

Many vital questions of the day were discussed, including disarmament, codification of international laws, customs agreements among the nations of Europe, and the regulation of the sale of opium, and while, of course, no official action could be taken, due to the unofficial character of the assembly, at the same time the complete discussion of every subject resulted in resolutions being passed at the conclusion of the conference upon many subjects which will have, in all probability, a far-reaching influence in the various countries represented.

I believe, Mr. President, it will be of interest to the Members of Congress and to those who read the CONGRESSIONAL RECORD to be informed as to just what transpired at this last session of the Interparliamentary Union. The president of the American group is an honored former Member of this body, ex-Senator THEODORE E. BURTON. I ask unanimous consent that the report of the secretary of the Interparliamentary Union be inserted in the RECORD.

Mr. BINGHAM. Mr. President, may I inquire of the Senator from Tennessee how much space will be occupied by the insertion in the RECORD of the matter to which he refers?

Mr. FLETCHER. How voluminous is it?

Mr. TYSON. It is just an ordinary document, being merely a résumé of the proceedings, covering perhaps a page and a half or two pages of the CONGRESSIONAL RECORD.

Mr. FLETCHER. I thought the Senator desired that all of the addresses made should be printed in the RECORD, and that would occupy too much space.

The VICE PRESIDENT. Without objection, the request of the Senator from Tennessee is granted.

Mr. TYSON. Mr. President, the matter submitted and ordered to be printed in the RECORD is as follows:

THE AMERICAN GROUP OF THE INTERPARLIAMENTARY UNION

STATEMENT OF THE EXECUTIVE SECRETARY

Pursuant to Article VI of the by-laws, the twenty-fifth annual meeting of the American group of the Interparliamentary Union will be held in the Committee on Naval Affairs room of the House Office Building Friday, February 24, 1928, at 10.30 o'clock a. m. In the light of this fact the following information will be of interest to the Congress:

BY-LAWS OF THE AMERICAN GROUP OF THE INTERPARLIAMENTARY UNION

ARTICLE I. The American group of the Interparliamentary Union is organized under the constitution of the union, and all its proceedings shall be regulated in accordance therewith.

ART. II. The membership of the group consists of Senators and Representatives in Congress. Former members of the council of the Interparliamentary Union are life members of the group under the constitution of the union; and former Members of the United States Senate and House of Representatives, who were members of the Interparliamentary Union, and who have "rendered distinguished services," may be continued members by vote of the Interparliamentary Council, on the recommendation of the American group.

ART. III. The officers of the group shall be a president, three vice presidents, a secretary, a treasurer, and an executive committee of nine, of which the president of the group shall be the chairman. They

shall hold office for one year, or until their successors are elected. Meetings of the executive committee shall be held on the call of the chair.

ART. IV. It shall be the duty of the president to preside at meetings of the group, to act as chairman of the executive committee, as he may deem necessary, and to issue the call for all meetings of the American group. The president of the group shall appoint the American delegates to the conferences of the Interparliamentary Union.

ART. V. There shall be, in addition, a permanent executive secretary, whose duty it shall be to keep the records of the group; who shall be the custodian of its library and permanent archives. He shall also prepare such official reports from the American group as may be required by the Interparliamentary Council or the secretary general of the union.

ART. VI. The annual meeting of the American group shall be held on February 24, except when that date falls on Sunday, when it shall be held on the next subsequent day.

Other meetings of the group shall be held on the call of the executive committee, or whenever a meeting shall be requested in writing by 20 or more members.

ART. VII. All resolutions bearing upon the national or international policy of the Government of the United States, offered at any meeting of the group, shall first be referred to the executive committee if there is any objection to their immediate consideration.

ART. VIII. All members of the American group, reelected to Congress, shall continue their membership in subsequent Congresses except upon resignation communicated in writing.

ART. IX. There shall be no dues or other financial responsibility on the part of members of the group except in case of an assessment, which shall not exceed \$1 in any one year, and which may be voted by a majority of the members present at a meeting regularly called for that purpose; a copy of the proposed amendment shall accompany the notice of such called meeting.

ART. X. These by-laws may be amended, after notice previously given, by a majority vote of the members present at any meeting regularly called for that purpose, or at any annual meeting. A copy of the proposed amendment shall accompany the notice of any meeting called for the purpose of amending the by-laws, and no other amendment than the one thus proposed shall be considered at any meeting thus called or at any annual meeting.

MINUTES OF THE TWENTY-FOURTH ANNUAL MEETING, FEBRUARY 24, 1927

The twenty-fourth annual meeting of the American group of the Interparliamentary Union was held in the room of the Committee on Naval Affairs of the House of Representatives February 24, 1927, at 10.30 o'clock a. m. The meeting was called to order by Representative ANDREW J. MONTAGUE, senior vice president of the group.

The executive secretary submitted his report, as follows:

"The facts of major interest during the year 1926-27, in the order of their importance to the group, are the death of Senator William B. McKinley, the meeting of the six commissions in Geneva, an invitation from the French group, and the matter of finance.

"Senator William B. McKinley, of Illinois, president of the American group of the Interparliamentary Union, beginning 1919, died at Home Lawn Sanatorium, Martinsville, Ind., December 27, 1926. Memorial services were held in the House of Representatives Sunday, February 6, 1927, where addresses were made by Representatives MADDEN, BRITTEN, DENISON, ADKINS, BARKLEY, BURTON, MONTAGUE, HULL, CONNALLY, CHINDBLOM, ARNOLD, YATES, SABATH, RATHBONE, and MCKEOWN. (February 27 similar services were held in the Senate, where addresses were delivered by Senators DENEEN, WARREN, CAPPER, HARRIS, and ROBINSON.) Many letters and telegrams have been received from various groups and officials of the Interparliamentary Union, all of which will appear in the CONGRESSIONAL RECORD and in the memorial volume to be published by Congress. The day following Senator McKinley's death the group adopted resolutions, which were sent to the Senator's relatives in Champaign, Ill.

"The Interparliamentary Union has six study commissions, as follows:

(1) Commission pour l'étude des Questions Economiques et Financieres; (2) Commission pour l'étude des Questions Ethniques et Coloniales; (3) Commission pour l'étude des Questions Juridiques; (4) Commission pour l'étude des Questions Politiques et D'organisation; (5) Commission pour l'étude de la Question de la Reduction des Armements; (6) Commission pour l'étude des Questions Sociales et Humanitaires. These commissions met in Geneva August 26 to September 1, 1926. Delegates representing the American group at these meetings were Representative BURTON, Senator SWANSON, Representative PORTER, Senator PAT HARRISON, and Senator T. H. CARAWAY. The executive secretary was present. Representative BRITTEN was at the time in Europe, but because of ill health he was unable to get to Geneva.

"The invitation from the French group to attend the twenty-fourth conference of the Interparliamentary Union in Paris, August, 1927, was read.

"The executive secretary's statement relative to the finances of the group follows:

"The finances of our American group of the Interparliamentary Union are, as usual, in an unhappy condition. This is an unfortunate fact, due undoubtedly to want of attention by members of the group. Congress appropriates \$6,000 a year for the maintenance of the Interparliamentary Union, but none of this money is available for the purposes of the American group. In short, the American group of the Interparliamentary Union has no visible means of support. There is no provision for dues or assessment. There is no aid from Congress. The work of the group moves along as best it can. It is true that the group has for a number of years been the recipient of charity. Various people have helped financially. Senator McKinley paid many bills out of his own pocket. Our treasurer, too, has from time to time eased the situation from his own funds. The Carnegie Endowment for International Peace has kindly contributed funds for a number of years. The American Peace Society has helped. Generous as these acts are, they ought not to be necessary. Your executive secretary asks no pay for his services. He accepted the duties of his office some 9 or 10 years ago because he was asked and because he felt since his own work has to do with matters affecting international understanding, that the Interparliamentary Union offers practical means of helping in that business worthily. He has enjoyed the work immensely. It is true Senator McKinley thought that the executive secretary ought to receive something at least toward his expenses, whereupon, after correspondence with the president of the Carnegie Endowment, he allotted \$600, which he insisted your executive secretary should take for the year ending February 24, 1926, and urged that that amount, regularly granted for a number of years to Dr. S. B. North, Mr. Call's predecessor, should be similarly allotted to the present executive secretary."

"The labors of this organization have in years past been worth while. They are worth while now. What the future of the group will be, especially during the coming decade, depends, of course, upon the tasks it sets for itself to perform. The group will wish to be reminded that it has not only sent delegates to international conferences of the union, it has stood for definite matters, the principles of arbitration, the codification and extension of international law, the processes of international justice, and kindred things.

"Your executive secretary has been forced since Senator McKinley's death to handle certain moneys. The Senator's executor has sent a statement of the finances of the conference of 1925 and of our group. Your executive secretary asks, therefore, that you appoint a committee to audit all of the accounts, his own included, and to appoint a committee for that purpose.

"Upon motion of Mr. BRITTEN it was voted to appoint such a committee.

"Upon motion of Mr. MCSWAIN, it was voted to accept and file the report of the executive secretary.

"Mr. BURTON reported the work of the council and of the study commissions of the Interparliamentary Union in Geneva for the week August 26 to September 1, inclusive. He pointed out that some 21 countries were represented. The proposal that all future meetings of the Interparliamentary Union be held at Geneva failed. There were lengthy discussions relative to the alleged decadence of interparliamentary bodies. Whether or not the Spanish language should be added to the three official languages of the conference, French, German, and English, was discussed and denied, but with the understanding that in case there is a sufficiently large representation of Spanish-speaking countries at any conference, the Spanish language may be used in addition to those already employed. No little attention was paid to the further codification of international law. There were discussions on the criminality of wars of aggression. Discussion of tariff regulations was limited to European countries. The rights of minorities and problems incident to the reduction of arms were discussed at considerable length. Mr. BURTON called especial attention to the debates relative to opium and poisonous drugs, and paid special tribute to the work of Representative PORTER.

"Representative PORTER explained that his resolution called upon the governments to stop the manufacture of heroin, now confined to some six or seven countries, and the suppression of the traffic in prepared opium within 15 years."

The officers of the American group were duly elected, as follows:

OFFICERS

President: Representative THEODORE E. BURTON.

Vice presidents: Representative ANDREW J. MONTAGUE, Virginia; Representative WILLIAM A. OLDFIELD, Arkansas; Representative HENRY W. TEMPLE, Pennsylvania.

Treasurer: Representative ADOLPH J. SABATH, Illinois.

Secretary: Representative JOHN J. MCSWAIN, South Carolina.

Executive secretary: Arthur Deerin Call, 613 Colorado Building, Washington, D. C. Telephone, Main 7409. Cable address, "Ampax, Washington."

EXECUTIVE COMMITTEE

Representative THEODORE E. BURTON, Ohio, ex-officio chairman; Representative FRED BRITTEN, Illinois; Representative TOM CONNALLY,

Texas; Representative HENRY ALLEN COOPER, Wisconsin; Representative CLARENCE F. LEA, California; Representative JAMES C. McLAUGHLIN, Michigan; Senator ALBEN W. BARKLEY, Kentucky; Senator CHARLES CURTIS, Kansas; Senator JOSEPH T. ROBINSON, Arkansas; Senator CLAUDE A. SWANSON, Virginia.

Mr. BURTON and Mr. MONTAGUE were elected members of the council.

Under "unfinished business" the executive secretary returned to the financial condition of the American group. He reminded the meeting that practically every group of the Interparliamentary Union provides for a grant included in the state budget for the expenses of the union. Many of the groups are supported by Government appropriations. For example, the Danish group received in 1926 5,400 Danish crowns and a special grant toward the expenses of the northern assembly of delegates. The Estonian group provides from that portion of the state budget entitled "International expenditure, official journeys," for the traveling expenses of its delegates. The German group receives a grant of 15,000 reichsmarks from the Government, 9,000 of which are turned over to the Geneva office and the balance used for traveling expenses. The Swedish group receives a grant of 15,000 Swedish crowns. The Norwegian group receives 9,000 Norwegian crowns for traveling expenses and 1,200 for administrative expenses. Substantial contributions for the traveling expenses of delegates are received by the Bulgarian groups, the Hungarian, the Italian, Polish, Rumanian, Yugoslav, and Czechoslovak groups. A sum of 45,000 French francs is placed at the disposal of the French group. Some of the groups—for example, the Egyptian and the Japanese—are officially constituted by the parliament and the expenses of their delegates automatically paid. The South and Central American groups fall also into this category. It may be now regarded as the exception for the members of the union not to receive contributions toward their traveling expenses. The matter of the support of the American group of the Interparliamentary Union is, however, a matter of course for the Congress to decide. A stenographic report of the remarks upon this matter follows:

"Mr. McLAUGHLIN. Has this matter ever been taken up with those who have the preparation of appropriations?"

"The CHAIRMAN. Mr. BURTON can answer that. I think perhaps we would not find a ready response.

"Mr. SABATH. So far I have never noticed any objection to the \$6,000 appropriation. There was no opposition to the general appropriation of \$50,000 for the last conference. So I am of the opinion that there would be no objection to making an appropriation of, say, \$8,500, so that the \$2,500 could be utilized for the general expenses of the committee.

"The CHAIRMAN. We have already passed the \$6,000 item this year, I think.

"Mr. OLDFIELD. May I make a suggestion? Mr. BURTON is on the Committee on Foreign Affairs and Mr. PORTER is the chairman of the committee. I am sure that the Democratic members on that committee would not object to increasing this appropriation, and if the Foreign Affairs Committee would get behind it unanimously we could put it over in the House. I think it ought to be done. I think some reasonable amount ought to be appropriated by Congress to look after this matter. I really think it is a very important thing. I think when we get more Members of our two legislative bodies interested that this organization will probably do more for international peace than any other agency in the country. So I say I think it is important, and I believe if the Committee on Foreign Affairs will take hold of this thing and will be backed up by the Members here we can get some results. I am certainly in favor of trying to accomplish something along that line, although perhaps it is true that we can not expect to do anything at this session.

"Mr. BURTON. No; it is too late this session. But we ought to refer this to a committee to be chosen by the President, and they ought to go to work on it.

"The CHAIRMAN. Do you make a motion to that effect?"

"Mr. BURTON. Yes, Mr. Chairman; that a committee of five, let us say, be appointed to take the matter up.

"Mr. BRITTON. I think we are getting a little away from the subject matter before the group. The suggestion was in regard to the financing in America of the officers and delegates of the American group, not a question of appropriating \$6,000, which we appropriated for the expenses on the other side of the water. I have made some little inquiry into this thing, and the gentleman over here [Mr. SABATH], with his good business mind, has hit the nail on the head, and so has Mr. OLDFIELD. Something should be done. We are appropriating \$6,000 a year. A matter of \$2,500 more, I am sure, is something no one would object to for office expenses, postage, telephone, telegrams, etc., of the American group. It is not even worth talking about. I am quite certain that if the distinguished gentleman will get back of the Committee on Foreign Affairs, that the next \$6,000 appropriation going through the House can be so managed as to increase it \$2,500 for the local office. I will be glad to help, and I know every member of the group present here will be glad to lend his assistance in that direction.

"Mr. McLAUGHLIN. I agree with what has been said here. This is a great public movement in behalf of the peace of the world. The parliaments of the Interparliamentary Union, or many of them, are very sincere. Many of them are able to contribute to this thing, either to the expense of the local organization or in the payment of their expenses as delegates to these conferences; but a man's ability to serve in a great movement like this ought not to be limited by his ability to pay a contribution to this society or to pay his way as a delegate to the conference. It may be too late to do anything at this session—unless it could be done by unanimous consent—but I certainly think there ought to be an increase in this appropriation in the interest of the public. It is for all the people that these gentlemen are sacrificing their time and giving their efforts and talent and money, and I would suggest that we see if we can not get an increase even at this session. It may be possible. I am ready to do anything I can. It is possible we might get an allowance in the deficiency bill if no one objects.

"The CHAIRMAN. We would have to have an authorization, perhaps, and somebody might object to it.

"Mr. McLAUGHLIN. I do not think a great organization like this ought to be put to the necessity of going around begging subscriptions for such an object as the one we have before us.

"Mr. PORTER. It does seem to me when we talk about \$2,500 we are minimizing our activities. If we are going ahead with this matter let us have a proper appropriation. It is not fair that men should pay their own expenses to these conferences, and I would be happy to introduce a bill providing for sufficient funds to take care of these expenses, and I think we could put it through Congress. I am afraid it is a little late to do anything this session. The only way I see it could possibly be done is to tack it onto the deficiency bill now in the Senate.

"Mr. BURTON. What they would say would probably be that it has not the approval of the Budget, and it is probably too late this session.

"Mr. PORTER. Yes, sir; that is probably true. But I shall be happy when Congress reconvenes to confer with you gentlemen, and we will agree on a bill providing for somewhere near sufficient funds, because I confess that my travel around the world is very expensive, and it seems to me it is hardly fair when a man gives his time to a worthy object for nothing that he should also be required to pay his actual necessary expenses.

"I might add that the Committee on Foreign Affairs this year recommended and obtained appropriations for a number of conferences, such as the sanitary conference, the economic conference, the Geneva conference, and the public-health conference.

"Mr. OLDFIELD. And there was no trouble about it.

"Mr. PORTER. No.

"The CHAIRMAN. May the Chair suggest that the motion has prevailed (there being no objection) that the president, Mr. BURTON, appoint a committee of five to promote this matter.

"You understand, Mr. President, that it has been so ordered?"

"Mr. BURTON. Yes, Mr. Chairman; and I will appoint a committee of five. If it is impracticable to do anything at this session, then I will take it up at the next session. I agree that Congress should have at least five delegates to attend these conferences, and I do not think we ought to be dependent upon the charity of any benevolent organizations or any individuals. There is a certain lack of a sense of independence that ought not to exist when delegates attend these conferences and their expenses have not been appropriated for by their government. They are on a public duty, and it seems to me that their governments ought to defray their expenses.

"Mr. SABATH. When I suggested \$2,500 I did not mean to suggest that that should be the exact amount, but simply wanted to suggest that some sum should be appropriated to take care of the expenditures of the delegates and incidental expenses. I feel that if we need \$10,000 we ought to be able to have it appropriated. We appropriate millions of dollars for the Army and the Navy, and ten thousand or twelve thousand dollars a year for this worthy object would be a mere trifle in comparison with our total appropriations.

"Mr. PORTER. Just one word more, Mr. Chairman. It is not only desirable that the delegates should be allowed their expenses so that they will not be out of pocket, but by making an appropriation you are going to add to the force and independence and dignity of the representation that you send to these conferences. You give your representation then a semi-official sanction, if you appropriate a reasonable sum for the purpose. To me that feature is more important than the actual money appropriation.

"The CHAIRMAN. I think that is very true. There is only one possible point that might be raised as against an appropriation to pay expenses of delegates, and that would be that it might be said that it might lead to a scramble for the places as delegates. I hope that is not true, however."

Upon motion of Mr. BRITTON, the meeting adjourned at 12 o'clock noon.

(Signed)

ARTHUR DEERIN CALL,
Executive Secretary.

FEBRUARY 24, 1927.

[H. Res. 9205, 70th Cong., 1st sess.]

IN THE HOUSE OF REPRESENTATIVES,

January 12, 1928.

Mr. BRITTEN introduced the following bill; which was referred to the Committee on Foreign Affairs and ordered to be printed:

A bill to authorize an appropriation for the American group of the Interparliamentary Union

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to assist in meeting the annual expenses of the Interparliamentary Union there is hereby authorized an appropriation of \$10,000.

THE PARIS CONFERENCE, AUGUST 25-30, 1927

The American group of the Interparliamentary Union was represented at the twenty-fourth conference in Paris as follows: By Senators ELMER THOMAS, MILLARD E. TYDINGS, and LAWRENCE D. TYSON; and by Representatives A. PLATT ANDREW, SOL BLOOM, THEODORE E. BURTON (president of the group), FRED A. BRITTEN, EMANUEL CELLER, THOMAS C. COCHRAN, ROY G. FITZGERALD, JED JOHNSON, EDGAR HOWARD, ANDREW J. MONTAGUE (vice president of the group), STEPHEN G. PORTER, FRED S. BURNELL, HATTON W. SUMNERS, and by two former Members of the Congress, William D. B. Ainey and Richard Bartholdt. The executive secretary, Arthur Deerin Call, accompanied the group. Ladies accompanying the party were Miss Ainey, Mrs. Laura S. Price, Mrs. Emanuel Celler, Miss Jane Celler, Mrs. Jed Johnson, Mrs. Andrew J. Montague, Mrs. Isabel Ball Baker, Mrs. Kate S. Davis, Mrs. Lawrence D. Tyson, Mrs. Sol Bloom, and Miss Vera Bloom.

Thirty-three parliaments were represented at the conference: Germany, United States, Austria, Belgium, Bulgaria, Canada, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Great Britain, Greece, Hungary, Dutch Indies, British Indies, Ireland, Italy, Japan, Lithuania, Mexico, Nicaragua, Norway, Holland, Peru, the Philippines, Poland, Rumania, Salvador, Sweden, Switzerland, and Czechoslovakia; with a total of 440 delegates.

The sessions of the conference were held in the French Senate. Receptions were numerous and of that welcoming kind peculiar to the graciousness of France. In the evening of August 24 the organization committee gave a reception in the Palais du Luxembourg to the delegates and their ladies. The next day the delegates were received by officials of Paris in the city hall. Friday, the 26th, there were two receptions, one in the Elysée Palais by M. Gaston Doumergue, President of the French Republic, and another in the Palais Royal by M. Paul Painlevé. There was a reception at the Quai d'Orsay given by M. Briand, Minister of Foreign Affairs; and in the Palais Bourbon by M. Fernand Bouisson, president of the Chamber of Deputies. On Sunday the delegates were taken by special train to the Condé Castle at Chantilly. The entertainments came to a close with a final banquet in the Salle Wagram Tuesday evening, August 30, when the American group was represented among the speakers by Senator TYSON.

The conference was opened with addresses by Baron Adelswärd, president of the conference; Paul Doumer, president of the French Senate; Fernand Merlin, president of the French group; and by M. Poincaré, Prime Minister of France. Mr. BURTON, of the American group, addressed the conference upon trade restrictions and upon the reduction of armaments; Mr. PORTER upon the traffic in noxious drugs; Mr. FITZGERALD, Mr. SUMNERS, and Mr. MONTAGUE upon the codification of international law; Mr. HOWARD upon the reduction of armaments. Much of the work of the American group, however, was devoted to the meetings of the special commissions.

The conference was organized as follows:

President: Mr. Paul Doumer, president of the Senate of France.

Vice presidents: Messrs. Schücking (Germany), THEODORE E. BURTON (United States of America), Erwin Wallis (Austria), Fernand Cocq (Belgium), Vassileff (Bulgaria), Belcourt (Canada), Borgbjerg (Denmark), Luis F. Mejía (Dominican Republic), Mohamed Mahmoud Khalil Bey (Egypt), Auguste Rei (Estonia), O. Mantere (Finland), Lord Treowen (Great Britain), Panayoti Petridis (Greece), Albert de Berzevitz (Hungary), Schumann (Dutch East Indies), Michael Hayes (Ireland), di Stefano-Napolitani (Italy), Bukichi Miki (Japan), Kalnins (Latvia), Miguel F. Ortega (Mexico), Chamorro (Nicaragua), Wefring (Norway), Heemskerk (Holland), Gonzales Orbeagozo (Peru), Benigno S. Aquino (Philippines), Bronislas Dembinski (Poland), Jean Th. Floresco (Rumania), Ruben Rivera (San Salvador), Baron Adelswärd (Sweden), de Meuron (Switzerland), J. Brabec (Czechoslovakia).

Secretary general: Christian L. Lange, Ph. D.

The resolutions as finally adopted by the conference were as follows:

I

THE FIGHT AGAINST DRUGS OF ADDICTION

A

The Twenty-fourth Interparliamentary Conference calls the very special attention of the groups of the union to the serious dangers attendant upon the abuse of opium and other drugs of addiction for the health and morality of the peoples, especially with regard to the younger generation.

The conference declares unanimously that the attainment of the ends aimed at in the fight against this abuse will only be reached by the following measures:

(a) Limitation of the culture of the poppy and of coca leaves and of the production of all narcotics to the recognized amount needed for medical and scientific purposes, this measure to include the total suppression of the use of opium for smoking.

(b) The establishment of a system of control by national or international means for the observance of the rules fixed to the above effect.

(c) The elimination of all profits by private dealers in the drug trade, with the exception of the drugs required for legitimate purposes as mentioned above.

B

The Twenty-fourth Interparliamentary Conference, taking note of the fact that under article 6, chapter 2, of The Hague convention of 1912, the contracting powers undertook to adopt measures for the suppression of the manufacture, trade in, and use of prepared opium within the territories subject to their jurisdiction, recommends for the consideration of the groups of the union to urge the Governments concerned to set a definite term not to exceed 15 years, within which the manufacture, trade in, and use of prepared opium within their respective territories and possessions be finally and completely suppressed.

C

Considering that the two conferences held at Geneva from November, 1924, to February, 1925, resulted in the conclusion of a series of international agreements concerning the gradual limitation of the abusive use of opium and of other dangerous drugs, and making for the establishment of effective control and supervision of the use of such drugs, and seeing that opinions differ as to the value of those agreements, the conference recommends that the groups who regard the agreements as an important step toward the achievement of the ends in view urge their respective parliaments and governments to see that the Geneva agreements are ratified by their country without delay, and asks the groups who are unable to share this opinion to make every effort to induce their States to endeavor to revise those agreements at the first possible opportunity in accordance with the principles enumerated in Resolution I.

In the meantime those groups are asked to make every effort to induce their states to exercise a strict control on the manufacture and export of narcotics, in view of the fact that it is practically impossible to supervise the traffic.

D

The conference recommends that the groups shall examine the possibility of obtaining the adoption by legislative and administrative measures of the prohibition of the production and distribution of heroin.

E

Whereas the great dangers above mentioned created by the abuse of drugs of addiction may compromise the reconstruction in the social and economic field which is recognized as necessary, after the World War, in next to all countries, the Interparliamentary Bureau is requested to transmit these resolutions to all the groups of the union and to all the governments and parliaments of the world.

II

A SYSTEM OF CUSTOMS AGREEMENTS BETWEEN THE COUNTRIES OF EUROPE

A

The Twenty-fourth Interparliamentary Conference realizes that the predominating factor in the economic field in our times is the economic interdependence of all nations on what has become a world market. It believes, in common with the economic conference held at Geneva in 1927, that the "effort to attain self-sufficiency can not hope to succeed unless it is justified by the size, natural resources, economic advantages, and geographical situation of a country."

The conference recalls the fact that the Twenty-third Interparliamentary Conference, which met at Washington and Ottawa in 1925, passed a resolution declaring—

"that it would be of the greatest importance for good relations between European states and thus contribute to guarantee the peace of the world, if the economic barriers at present dividing these states were, as far as possible, abolished,

"and that such measures probably, in any case in the long run, would contribute to create a steady and more extensive market for the products of European agriculture and industry, and therefore also to decrease the cost of production and the danger of unemployment in Europe."

The conference desires to record its profound satisfaction at the meeting of the International Economic Conference, held in Geneva in May, 1927, and pays tribute to the noteworthy work achieved by that conference. It seconds the conclusions and recommendations formulated by the economic conference with regard to tariff and commercial problems.

It lays particular stress on the importance of giving immediate effect to the suggestions made by the economic conference that "the Council

of the League of Nations should intrust the economic organization to undertake, in connection with the inquiry provided for in the preceding recommendations, all the necessary discussions, consultations, and inquiries to enable it to propose the measures best calculated to secure either identical tariff systems in the various European countries or at least a common basis for commercial treaties, as well as the establishment, for all countries, of clearly defined and uniform principles as to the interpretation and scope of the most-favored-nation clause in regard to customs duties and other charges."

The conference sees in the unanimity with which the conclusions of the Geneva Economic Conference with regard to European commercial policy were adopted, a striking proof of the existence of a profound sense of the economic solidarity of the nations of Europe, and believes that unanimity to be of happy augury for the work to be accomplished for the liquidation of the system of superprotection now in force in Europe.

It further places on record that most of the states of Europe have now achieved stabilization of their currencies, while in the remaining states there is a tendency toward such stabilization.

B

In view of the facts set forth above, the Twenty-fourth Interparliamentary Conference issues an urgent invitation to all the national groups of the union to direct every effort toward a systematic pursuance of the work in favor of the creation of a system of customs agreements between the countries of Europe. It lays special stress on the importance of the following measures:

(a) The abolition at the first possible moment of absolute prohibitions of imports and exports, except in cases where such prohibitions is dictated by bona fide considerations of a sanitary nature or relating to the maintenance of order within a State (e. g., alcoholic drinks, opium, etc.). Attention is called to the international conference on this subject which will meet in November, 1927, under the auspices of the League of Nations.

(b) The abolition of bounties on exports in order to discourage the system of dumping.

(c) The simplification of customs formalities on the basis of the Geneva convention of November 3, 1923.

(d) The unification of the nomenclature of customs tariffs, particularly in respect of the most important goods.

(e) The ratification of the Barcelona and Geneva conventions on transit.

(f) The conclusion of long-term international commercial treaties in order to insure the stability of customs relations, the extension of international trade, and a steady market for industrial and agricultural products.

(g) The general adoption, on unconditional terms, of the most-favored-nation clause.

(h) The solution by arbitration or by a chamber of the international court of justice, of contestations with regard to the interpretation and application of contractual customs stipulations.

C

The Twenty-fourth Interparliamentary Conference regrets to note a general tendency among the states to raise their customs tariffs. It recommends that the national groups shall endeavor to arrest and to reverse that tendency.

D

The conference recognizes that the conclusion of regional customs agreements between countries having special interests in common is in accordance with the general aim of lowering the barriers in the way of international trade, on condition that such agreements be not directed against a third party.

E

The conference moreover invites the League of Nations energetically to pursue the work so well begun in the economic field and to take steps to induce its members to contribute to the realization of the proposals of the economic conference, for the amelioration of economic conditions in Europe and in the world in general.

F

The Interparliamentary Union seeing that vast customs' unions, such as the European Customs' Union, are highly desirable, as much from the point of view of economic prosperity as from that of the progress of concord and peace; seeing, however, that the immediate suppression of all customs' duties would, in the world's present condition, provoke a very serious crisis and can not be recommended, expresses the wish that methods of abolishing, or at least progressively and gradually reducing, customs duties be made an object of study in all countries, the annual diminution of these duties being unimportant enough not to bring about a crisis and enabling, on the contrary, the various national industries to adapt themselves without bad results to the régime of vast customs unions.

G

These resolutions shall be transmitted forthwith to the League of Nations and to the governments.

III

ABOLITION OF PASSPORT VISAS

The conference reiterates the recommendation of the Stockholm conference of 1921 and the Berne-Geneva conference of 1924 in favor of the abolition of passport visas, without prejudice to any measures which may be considered necessary for the security of the state.

IV

REDUCTION OF ARMAMENTS

RESOLUTION

The Twenty-fourth Interparliamentary Conference recalling the fact that the states signatories of the peace treaties of 1919-20 and of the covenant of the League of Nations, unanimously recognized that the maintenance of peace requires "the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations";

Seeing that by virtue of the aforementioned peace treaties, the armaments of certain states have been reduced and limited "in order to render possible the initiation of a general limitation of the armaments of all nations";

Seeing that this preparation for a convention of general limitation has, thanks to the sustained efforts of the preparatory disarmament committee of the League of Nations, resulted, in spite of numerous reservations, in unanimously accepted drafts in favor of the limitation of armaments for land and air, but has not succeeded in reconciling the various points of view expressed in the matter of naval armaments;

Seeing that these failures have caused great disappointment to those who, suffering from the effects of the present economic disorder, count on seeing their hopes realized by means of the reduction of the burden of military organization;

Expresses the wish that the governments, basing themselves on the lofty principles of the covenant of the League of Nations, employ with energy every means in their power to favor an appeal to arbitration in case of contest between states, to insure security for each state, facilitate the general reduction of armaments, and hasten the common work necessary for the achievement of this threefold result;

The conference asks the groups of the union to work for this end within their respective parliaments and with their governments, with all the energy which the situation demands, and invites them to organize active popular propaganda in order that public opinion may express itself imperiously in favor of the reduction of armaments and the reign of justice between the nations.

TECHNICAL PLAN FOR A GENERAL REDUCTION OF ARMAMENTS

PREAMBLE

The Twenty-fourth Interparliamentary Conference, recalling the fact that the Interparliamentary Conference of Washington and Ottawa proclaimed "the necessity of giving to the nations a feeling of security";

Believing that in addition to the security guaranteed by the League of Nations, and which the union wishes to see more well defined and more efficacious, one of the means, and one of the most important, of reaching that end would be a general reduction of armaments;

Considering, moreover, that the peace treaties of 1919-20 fix limits for the armaments of certain states "in order to render possible the initiation of a general limitation of armaments of all nations";

And in view of the fact that a committee constituted by the League of Nations in pursuance of article 8 of the covenant with the mission of preparing a general disarmament conference, is at present engaged in the elaboration of a draft convention for the reduction of armaments, is happy to see the United States of America cooperating in the work of the said preparatory committee, and expresses the wish that other states not members of the League of Nations may also join in the work before the meeting of the disarmament conference.

It notes with satisfaction that the technical studies and the discussions of the preparatory committee have, in spite of all the imperfections which characterize them, served to clear the ground to a certain extent and to prepare the way for the elaboration of a draft convention.

It recommends to the attention of the governments and members of the conference the general technical plan for a limitation and reduction of armaments accompanying the present resolution, in being understood that paragraphs A, B, and C of Chapter II (Special Rules), in particular, are meant to serve as examples. It invites the national groups of the union to transmit the said plan to their respective governments and parliaments and requests the Interparliamentary Bureau to communicate it to the preparatory committee.

TECHNICAL PLAN

I. General principles

A. Agreements as to the limitation and reduction of armaments of the several states must take the following principles into account, except in cases of an entirely special character:

1. In fixing the limit of the armaments of each state, the whole of the elements of a military, geographical, demographical, economic, financial, moral, and political order which may constitute the war potential ("potentiel de guerre") of the state in question must be taken into

account, but the limitation should in principle affect only land, naval, and air armaments properly speaking.

2 Further, regard must be had, when fixing that limit, to the length of frontiers and of coast, to the particularly exposed situation of a given state and to the special tasks incumbent on states which are colonial powers.

3. The limit of armaments of each state must be such that no state retain a force or war potential enabling it to constitute a hegemony and to defy the decisions of the authorities of the League of Nations, taken in conformity with the covenant of the league.

B. No state is authorized to increase its present armaments. States whose present armaments exceed the limits which shall be agreed upon shall proceed to a gradual reduction of armaments in conformity with the following principles:

1. The basis for the gradual reduction of armaments is obtained by taking the average of the armaments of the state in question during the three (five) financial years preceding the year * * *.

2. The elements to be taken into account in calculating the average for each state shall be:

- (a) Peace-time effectives and effectives which can be mobilized within a given time in all land, sea, and air forces.
- (b) The duration of active military service.
- (c) The annual contingent of recruits.
- (d) The total tonnage of war vessels.
- (e) The total tonnage of the air force attached to the army and the navy.

(f) The total sum expended annually for armaments on land, at sea, and in the air.

The expenditure referred to under (f) shall be calculated on a gold basis. In addition to military expenditure properly speaking, provision shall be made in the total expenditure allowed for all credits allocated to the following purposes:

Subsidies for the development of national industries, with a view to their mobilization in the event of war.

Subsidies to the mercantile marine on condition of possible transformation of merchant ships into warships.

Subsidies to civil aviation, with a view to the utilization of the machines in the event of war.

3. The total military expenditure of whatsoever nature shall be reduced in a proportion to be agreed upon, beginning as from the financial year 19 * * *. This reduction shall be repeated every * * * years, always taking as basis the average of the three (five) financial years originally decided upon, until the average has reached the final limits to be agreed upon.

4. Extraordinary military expenditure incurred as a result of a recommendation of the Council of the League of Nations shall not be considered as forming part of the expenditure to which the reduction applies.

II. Special rules

A. LAND FORCES

1. Peace-time effectives and effectives which can be mobilized within a given time must not be increased and must be gradually reduced in conformity with the general principles enumerated above.

2. A certain proportion, not to be exceeded, must be fixed between the number of officers and noncommissioned officers and of men under arms or who can be mobilized within a given time.

3. The number of rifles, machine guns, and cannons of various calibers must be limited to a certain proportion corresponding to the peace-time effectives and to the contingent of recruits, in conformity with the principles laid down in the peace treaties of 1919-20 concerning the limitation of armaments of certain countries.

4. The maximum caliber of cannons must be fixed.

5. Tanks must be prohibited.

6. The preparation of means of chemical and bacteriological warfare and training in their use must be forbidden.

7. The numerical strength of the police force and customs officers must be limited.

8. The organization of associations not recognized by the official military authorities and giving military instruction to their members must be forbidden. In estimating the total forces, account must be taken of private organizations recognized by the authorities, as well as of the forces organized by the State itself.

B. NAVAL FORCES

1. Within the limits of the total tonnage of each State the tonnage of different categories of vessels must be limited in conformity with the principles contained in the treaty of Versailles concerning the German Navy.

2. New naval construction must be prohibited during a period of years to be agreed upon, and engagements taken as to the delay to be observed in the replacement of vessels of different categories.

3. The maximum tonnage of each category of vessels to be constructed, as well as the caliber and number of cannons, must be limited.

4. Submarines must be prohibited.

5. The construction of new naval bases must be prohibited.

6. The number of effectives in the navy and the annual contingents for naval service must be limited in proportion to the total tonnage in order to prevent marines from being used as reinforcements for the land army.

C. AIR FORCES

1. Military aircraft should be employed exclusively for reconnoitering purposes. The limits of those military air forces must be fixed in proportion to the forces of the army and navy of each country.

2. The number of pilots receiving military instruction must be fixed in proportion to the air units.

3. The number of machines, as well as their total engine power, must be limited.

D. MILITARY EXPENDITURE

The annual expenditure—

(a) On equipment and ammunition for the land army in the mother country, as well as in the other territories under the authority of the state;

(b) On naval material—ships, armament, etc.;

(c) On material for the air force must not be increased and must be gradually reduced in a proportion to be agreed upon.

E. DEMILITARIZED ZONES

1. With a view to removing the danger of frontier incidents and to creating a greater sense of security within the States, demilitarized zones shall be created, especially on exposed frontiers.

2. These zones shall be placed, if need be, under international supervision.

III. Supervision

1. A permanent disarmament committee composed of representatives of the states parties to the convention shall be created with the mission of supervising the execution and application of the rules agreed upon, and their adaptation to changed circumstances.

2. States shall be under obligation to furnish to that committee detailed information concerning the elements of their land, naval, and air organization, including all necessary information concerning their military expenditure.

3. The secretariat of the League of Nations shall publish each year an abstract of the military expenditure of each state, reckoned in gold francs, and all other information as to their military—land, naval, and air—preparations.

4. In order to facilitate the publication of the above abstract, the states shall supply a statement of all credits affected to military, naval, and air purposes on the basis of a common uniform model.

5. Each state shall have the right to bring to the attention of the committee any fact which, in its opinion, constitutes an infraction of the agreements concerning the limitation of armaments. The committee may submit the case to the council of the League of Nations.

6. The council of the league may order an inquiry on the spot.

7. The council shall give a decision as to the justness of the complaint. Contested decisions shall be submitted to the International Court of Justice.

8. In order that the application of the dispositions prohibiting the preparation of the means of chemical or bacteriological warfare, as well as training in their use, may more easily be supervised, an international organization of the industries concerned shall be created under the aegis of the League of Nations.

IV. Final provisions

1. The permanent disarmament committee shall propose and submit to the contracting powers any modification to the convention which it considers useful.

2. The gradual reduction shall continue until

(a) the peace-time effectives, including officers and noncommissioned officers, do not exceed three per thousand of the population of the state concerned;

(b) the effectives which can be mobilized within a given time do not exceed 12 per thousand of the population;

(c) the peace-time effectives of native troops in territory outside that of the mother country do not exceed 3 per thousand of the population of those territories, and the native effectives which can be mobilized do not exceed 12 per thousand of the population of those territories;

(d) the naval forces do not exceed 4,000 tons per million inhabitants of the mother country and 700 tons per million inhabitants of other parts of the state or empire in question.

3. These figures may, however, be increased or reduced in a proportion to be fixed by the convention, taking into account the facts mentioned in the general principles enumerated under A.

4. States whose armaments are already below the limits specified in this plan need not proceed to the gradual reduction referred to in Chapters I B and II. They will be subject, together with the other States, to the supervision provided for in Chapter III.

5. States which consider that their situation allows them to disarm more rapidly or in a greater measure than is provided for by the above stipulations, are at full liberty to do so.

V
METHODS FOR THE CODIFICATION OF INTERNATIONAL LAW

A

In view of the importance and urgency of a progressive codification of international law, considering that by such codification the flagrant injustices and numerous uncertainties which characterize international law in its present state would be eliminated and that a stable and generally accepted basis would then be created for the solution of international disputes in the supreme interest of peace; in view of the recommendation made to the Council of the League of Nations by the committee of experts for the progressive codification of international law, to the effect that the codification of a first series of subject matters which, in the opinion of the experts and according to the declarations of a considerable number of governments, are to be regarded as ready for such a codification, should be taken in hand; the twenty-fourth interparliamentary conference warmly supports the recommendation and records the wish that a first conference on public international law be summoned as soon as possible, and that all states, whether members or not of the league, be invited to participate in it, with a view to giving practical and tangible effect to the highly important work of the committee of experts.

B

In view of the very satisfactory progress made in the work pursued up till now by the committee of experts of the League of Nations, the conference recommends that the committee of experts, functioning as a permanent committee, as is the case with other bodies within the league, shall be invited to pursue and push forward its studies with a view to preparing fresh preliminary draft conventions on other chapters of public international law the codification of which appears desirable and feasible.

It insists on the importance of a thorough and conscientious preparation of the work of the conference on public international law and recommends in particular that the present and future work of the committee also embrace the question of the unification of certain principles of international penal law, and be carefully studied in every quarter concerning itself with the development of international law, and that it be, if necessary, coordinated with the work of other competent institutions, and especially with that of the Pan American Union.

C

The conference recalls the resolution voted by the twenty-third conference held at Washington and Ottawa in 1925 recommending the drafting of a general synthetic plan of codification of public international law, and requests the committee for juridical questions of the union to submit the draft of such a plan to the next interparliamentary conference.

The draft shall regard war solely as a crime against international law (with the exception, however, of the right of legitimate defense which justifies a resort to arms), and must consequently include, in addition to positive law, rules intended to secure the law of peace (friendly arrangements, mediation, conciliation, arbitration, resort to international jurisdiction) as well as rules relating to the ultimate execution of decisions reached.

Article V of the statutes of the union reads:

"The duty of a national group is to keep its parliament informed, through its committee or through one of its members, of resolutions adopted at the conferences which call for parliamentary or governmental action.

"The Interparliamentary Union expects its members to do their utmost to see that the work of the union is made known throughout their respective countries in order to obtain as large a measure of support as possible. It also invites them to assist to the best of their ability in the maintenance of peace among the nations."

This has been interpreted to mean not that every group is expected to carry into effect all the resolutions voted at all the conferences; rather that the resolutions shall be brought to the knowledge of the various parliaments for such action as they may think best.

The executive committee of the Interparliamentary Union has made a selection of those resolutions of the recent conferences which in its judgment should more particularly engage the attention of the groups. As enumerated in the program of the bureau for 1928, these special resolutions are:

1. On "The control of foreign policy," voted by the Berne-Geneva conference in 1924. (See *Compte Rendu*, 1924, p. 665.)
2. "The private manufacture of and the traffic in arms and munitions," voted by the Berne-Geneva conference in 1924. (See *Compte Rendu*, 1924, p. 670.)
3. The "Institution of paritative committees," with the view of preventing conflicts between subjects of a given country belonging to different nationalities. This resolution was voted by the Washington-Ottawa conference in 1925. (See *Compte Rendu*, 1925, p. 802.)
4. The "Fight against drugs of addiction," a resolution voted at the Paris conference in 1927. (See resolution No. 1.)
5. "Customs agreements between the countries of Europe," voted by the Paris conference in 1927. (See resolution No. 2.)

THE UNION'S PUBLICATIONS

Each of the conferences of the Interparliamentary Union is reported in a volume called the *Compte Rendu*. This report of the Paris conference contains 591 pages. There is an official bimonthly publication of the bureau, called the *Interparliamentary Bulletin*. In addition the union issues from time to time other documents.

Members desiring further information relative to the union will wish to communicate with the executive secretary, 613 Colorado Building, Washington, D. C. (telephone, Main 7409).

REPORTS OF COMMITTEES

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, reported it without amendment and submitted a report (No. 313) thereon.

Mr. WARREN. I beg to report for my colleague [Mr. KENDRICK], who is engaged in his committee room, the following bills from the Committee on Public Lands and Surveys:

The VICE PRESIDENT. The reports will be received.

Mr. WARREN (for Mr. KENDRICK), from the Committee on Public Lands and Surveys, to which was referred the bill (S. 766) to fix the compensation of registers of local land offices, and for other purposes, reported it with an amendment and submitted a report (No. 314) thereon.

He also (for Mr. KENDRICK), from the same committee, to which was referred the bill (S. 2858) to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field, reported it with amendments and submitted a report (No. 315) thereon.

Mr. ODDIE, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 1341) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, reported it with amendments.

Mr. ASHURST, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 5783) to grant extensions of time of oil and gas permits, reported it with amendments and submitted a report (No. 316) thereon.

J. L. SINK

Mr. STEIWER. Mr. President, from the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 8216) to confer authority on the United States District Court for the Western District of Virginia to permit J. L. Sink, a bankrupt, to file his application for discharge and to authorize and empower the judge of said court to hear and determine the same, and I submit a report (No. 312) thereon. I call the attention of the Senator from Virginia [Mr. SWANSON] to the bill.

Mr. SWANSON. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the United States District Court for the Western District of Virginia is hereby authorized and empowered to permit J. L. Sink, a bankrupt, to file an application for a discharge in bankruptcy in said court at any time within six months from the approval of this act: *Provided*, That it shall be made to appear to the judge of said court that said bankrupt was unavoidably prevented from filing an application within the time limit fixed by the general laws on bankruptcy: *Provided further*, That said application shall be heard and determined according to said bankruptcy laws.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAYARD:

A bill (S. 3243) granting an increase of pension to Elizabeth F. King (with accompanying papers); to the Committee on Pensions.

By Mr. BLAINE:

A bill (S. 3244) to amend section 203 of the World War veterans' act of 1924, as amended; to the Committee on Finance.

By Mr. METCALF:

A bill (S. 3245) for the relief of civilian employees in the Engineer Department of the United States Army; to the Committee on Military Affairs.

By Mr. BRATTON:

A bill (S. 3246) to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands"; to the Committee on Public Lands and Surveys.

By Mr. NORBECK:

A bill (S. 3247) to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; to the Committee on Agriculture and Forestry.

By Mr. GREENE:

A bill (S. 3248) granting a pension to Ella Allger; and

A bill (S. 3249) granting an increase of pension to Margaret R. Smith; to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 3250) for the relief of W. W. Payne; to the Committee on Claims.

By Mr. ROBINSON of Indiana:

A bill (S. 3251) granting a pension to Lenore La Hue (with accompanying papers); and

A bill (S. 3252) granting an increase of pension to Sina Igelmann (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Missouri:

A bill (S. 3253) granting the consent of Congress to the Randolph Bridge & Terminal Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Missouri River near Randolph, Mo.; to the Committee on Commerce.

A bill (S. 3254) authorizing the erection of a memorial to John D. Orear; to the Committee on the Library.

A bill (S. 3255) granting a pension to Florence E. Houser (with accompanying papers); and

A bill (S. 3256) granting an increase of pension to Christine Klump (with accompanying papers); to the Committee on Pensions.

CHANGE OF REFERENCE

On motion of Mr. TYDINGS, the Committee on Naval Affairs was discharged from the further consideration of the bill (S. 3130) to amend the act of March 3, 1915, by extending to the widows or dependents of naval officers and enlisted men who die and to enlisted men who are disabled as a result of submarine accidents the same pensions as are allowed in the case of aviation accidents, and it was referred to the Committee on Pensions.

CUMBERLAND RIVER BRIDGE, TENNESSEE

Mr. TYSON submitted an amendment intended to be proposed by him to the bill (H. R. 9137) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn., which was referred to the Committee on Commerce and ordered to be printed.

PROPOSED CANCER HOSPITAL

Mr. GILLET (by request) submitted the following resolution (S. Res. 148), which was referred to the Committee on Public Buildings and Grounds:

Whereas the disease cancer is on the increase in the United States; and

Whereas the several States are unable to control its spread; and

Whereas a certain amount of alkali is a deterrent to the growth of cancer: Therefore be it

Resolved, That a special committee, to be appointed by the President of the Senate, be, and it is hereby, authorized and directed to investigate the advisability of the National Government building a hospital for cancer patients in one of the alkali districts.

INVESTIGATION OF CONDITIONS IN PENNSYLVANIA COAL FIELDS

Mr. DENEEN. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, with an additional amendment, Senate Resolution 105. I ask for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. KING. Let the resolution be read, Mr. President.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 105) submitted by Mr. JOHNSON January 9, 1928, and reported with amendments by the Committee on Interstate Commerce on February 13 (calendar day, February 15), 1928, and by unanimous consent the Senate proceeded to its consideration.

The amendments of the Committee on Interstate Commerce were, on page 1, line 2, after the words "Senate Committee on Interstate Commerce," to insert "or a subcommittee thereof"; on page 2, line 4, after the word "committee," to insert "or a subcommittee thereof"; on the same page, in line 10, after the word "committee," to insert the words "or a subcommittee thereof"; on the same page, in line 13, after the word "committee," to insert the words "or a subcommittee thereof"; on the same page, in line 15, after the word "committee," to insert the words "or a subcommittee thereof"; and in line 22, on the same page, after the word "committee," to insert the words "or a subcommittee thereof."

The amendments were agreed to.

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was, on page 2, line 11, after the word "thereof," to insert the words "which shall not exceed \$10,000."

The amendment was agreed to.

Mr. NORRIS. Mr. President, I should like to make an inquiry of the Senator from California [Mr. JOHNSON]. There was so much confusion in the Chamber that I could not ascertain from the reading of the resolution what committee is to conduct the proposed investigation.

Mr. JOHNSON. The investigation is to be conducted by the Committee on Interstate Commerce or a subcommittee thereof.

Mr. NORRIS. I had supposed it would be conducted by the Federal Trade Commission.

Mr. KING. Mr. President, may I have the attention of the Senator from California?

Mr. JOHNSON. I shall be very glad to give it to the Senator.

Mr. KING. In view of the statements appearing in the press concerning the deplorable conditions of the miners and their families in the district referred to, I wish to ask the Senator from California whether the State officials have made an investigation or have set up any instrumentalities to make an investigation or whether steps have been taken to protect the miners in their rights, if their rights have been violated; and, if not, why not? In other words, was it necessary to come to Congress to secure an investigation in order to ascertain the facts? Was there a lack of State machinery to deal with the situation, or has the State machinery broken down?

Mr. JOHNSON. I think that I am justified in saying that the State machinery has entirely done so. One of the reasons, however, why we have come to Congress is that it is an interstate affair, concerning a languishing industry, which I concede, and conditions resulting therefrom of privation and want which ought as well to be investigated. The only body that can afford any remedy is the Federal Legislature. It is my hope, and it is the hope of those who have investigated this matter as I have, that the Interstate Commerce Committee, or its subcommittee which shall be intrusted with this work, will do what may be essential in the way of recommendation not only to relieve the human suffering that has resulted from a languishing industry that is interstate but may present a permanent cure for those conditions. That is the purpose of the resolution.

So far as the State authorities are concerned, I am unable to say that they have either with the celerity or the alacrity which I would like to see endeavored to accomplish the results sought to be accomplished by this resolution.

Mr. KING. Well, Mr. President—

Mr. REED of Pennsylvania. Will the Senator from Utah yield to me for a moment?

Mr. KING. I yield.

Mr. REED of Pennsylvania. I wish to say in behalf of Governor Fisher, of Pennsylvania, that he has examined diligently and thoroughly into the allegations of brutality by State police and by coal and iron police; that he has required the surrender of the commissions of a great number of the latter; that he has had an investigation in progress—and it is still in progress—to determine the correctness of the actions of both types of police.

So far as conditions of distress exist—and they do exist—the communities there have been active in extending relief. I know that is true of my own city of Pittsburgh. Very large funds have been privately collected there for the relief of the families of miners who are living in barracks. There is undoubtedly great distress; we in Pennsylvania know that to be so; and we do not need to have investigating committees to learn of it, so far as we are concerned, because it is apparent to everyone who looks; but when it is proposed to have an agency of the Federal Government examine into conditions there we are glad to have that done, because we want the remainder of the country to know what we already know to our sorrow.

Mr. KING. Mr. President, in view of the situation as reported, and in view of the questions presented for solution, and

that a real solution may require Federal legislation, I shall vote for the resolution. I regret, however, that conditions should arise in any State as to its domestic and internal policies which must be brought to the door of the Federal Government.

It is unfortunate that under our dual form of government the States do not always rise to their responsibilities. To the extent that they are inert the opportunity for aggrandizement by the Federal Government becomes greater, and in time its functions may become usurpatory of the functions and the assertion of power by the General Government increases its desire for power. Thus the States are weakened and their responsibilities are taken over by the Federal Government.

The State of Pennsylvania has more than 10,000,000 people; it is a great industrial Commonwealth; and there ought to be enough statesmanship, there ought to be enough humanity—and humanity and the social aspects of life constitute the greater part of statesmanship—among its people to care for the domestic and internal affairs of the State. If social conditions arise demanding attention—and they are within the competency of the State to deal with—it is its duty, if legislation is needed, to enact the same to care for any evils or cure any maladies, social or domestic, that may exist.

Mr. REED of Pennsylvania. Mr. President, I fully agree with what the Senator says, that the State is perfectly competent to take care of itself as well as the Federal Government can take care of it, but I should like to ask the Senator if he were the Governor of Pennsylvania what he would do?

We can not compel men to work when they have gone on strike and do not want to go back to work. We can not compel the operators of the mines to pay wages that the market price of coal will not provide. I tell you, Mr. President, that both the miner and the operator are ground down by the force of competition to a point where a decent living return to either of them is wholly impossible; and if the Governor of Pennsylvania were a magician he could not cure that situation.

Mr. KING. What the Senator says may be true; but it seems to me that if a condition exists such as has been indicated the legislature of the State might be convened and adopt measures that would ameliorate conditions, if not cure them. The Senator knows that the inhibitions upon the States are not such as exist with respect to the Federal Government. A State may do many things which the Federal Government has no power to do. A State may have no prohibition in its constitution against dealing with questions of the character involved in the present coal situation in a manner calculated to bring the operators and miners together, or to solve the whole problem. Under the police powers of the States, in the absence of State constitutional restriction, the States have very great powers in dealing with strikes and controversies between capital and labor. I am not criticizing Pennsylvania or its officials, nor do I charge that they have failed in the performance of their duties. I reiterate, however, my regret that the question, which is a domestic one and so vitally affects the peace and welfare of the State, should not be settled by the parties themselves, by the State, in a manner just and fair to all.

Industrial questions often present serious difficulties; indeed, many so-called political problems are at bottom economic and industrial. The social and industrial phases of life are not always determined by academic theories or political formulas. I know many of the sorrows and tragedies that follow strikes and lockouts. I acted as attorney upon several occasions for striking miners. They believed that they had been wronged, and a serious situation developed which disturbed the peace of the State. My sympathies were aroused in their behalf because I felt that they had just grievances.

The coal-mining situation is one which presents difficulties and problems not easily solved. There are too many coal mines, not only in Pennsylvania but in many States. In my own State we have an unfortunate situation. Few mines have realized any profits, and a number have been closed down. Many hundreds, if not thousands, of persons have been compelled to seek employment in other channels of life. The demand for coal was small measured by the capacity for production, and this situation produced conditions unfavorable to the mine owners as well as the miners.

I hope that the results of the investigation contemplated by this resolution will be helpful and that some plan may be devised which will prevent a repetition of the sad and tragic conditions to which the attention of the Senate has been called upon so many occasions during the past few years.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. KING. I will yield first to the Senator from Pennsylvania, because he addressed me first and probably desires to continue the inquiry which he propounded.

Mr. REED of Pennsylvania. Mr. President, I do not wish to continue it very long.

Mr. KING. When the Senator from Pennsylvania shall have finished I shall yield very gladly to my friend from Nebraska.

Mr. REED of Pennsylvania. I ask the Senate to understand that throughout the Pennsylvania and Ohio fields the mine workers are unionized; they are competing with districts in which the mine workers are not unionized. Throughout Pennsylvania and Ohio there are now about three miners for every place that exists for a man who wants to work in the coal industry; there are about three times as many mines as there is any need for. The industry was greatly overstimulated during the war time. That district has been trying since the war to work with union labor or to pay substantially the union scale even where it was running an open shop.

There is a great overcapacity in the industry. It comes in competition with those southern districts that lie in Virginia and southern West Virginia and Kentucky and Tennessee, where the wage scale is very substantially less, where the taxes per acre paid by the coal owner are only about one-tenth what we have to pay; and then, too, there is this never-ending disagreement as to freight rates.

We can give illustrative cases, and so can they, which, taken alone, indicate that our rates are either too high or too low, as the case may be. At the present moment coal is brought from Pocahontas to Washington at exactly the same freight rate that it is brought from Meyersdale, Pa., to Washington, although their coal travels exactly twice as many miles as does ours. Our people give an instance like that. It is countered immediately by the representatives of those States, citing instances that to them seem unfair. Our people believe, whether they are right or they are wrong, that the third great factor that tells against them is an injustice in freight rates; but the fact remains that down there in the southern fields the mines are working fairly regularly; employment is provided for those men in those mines nearly every day in the week; while our mines, if you please, union or nonunion, hard coal or soft coal, are running less than half the week where they are running at all; and the price of our product is so low that, as I said before, neither miner nor mine owner can have any possible hope of a proper return for the contribution that he makes to the production of the commodity.

If the Governor of Pennsylvania were anything else than a mint, he could not correct that situation. He has it at heart just as much as we have, and it is the biggest problem in my State; and if any of us could devise a cure for that condition to-day they would build monuments to him in every city in Pennsylvania. It is not because we do not care; it is because we are at our wits' end to know how to handle the difficulty.

Bear in mind those factors, I beg of the Senate—too many mines; too many miners; severe competition with these newly developed districts in the South; high taxes per acre, approximately ten times per acre what is paid by our competitors; the effort to maintain a higher wage scale in the face of the declining price; and then this never-ending unhappiness that pervades the industry on the subject of the railroad rates that are paid. It is fair to say that most of the coal that we send to our customers pays more to the railroad than it does to the coal industry. The cost of getting it to the consumer exceeds the cost of mining it and putting it on the railroad cars.

Those are the causes; and it is not because we are indifferent. You can not be indifferent. I drive in almost any direction from my town of Pittsburgh, and I have very few miles to go before I find people living in conditions that ought to be impossible in this great country of ours. I would do anything on earth to correct it if I could. It is not enough to say, "Settle your strike." Suppose the mine workers gave in to-day and tried to go back to work. They could not find the work. The men of these families who are living in barracks have mighty little work waiting for them if they would surrender in their strike. Suppose the mine operators, the owners of the mines, give in and surrender in this strike. They are equally out of luck, because they have neither the market nor the market price that will enable them to pay a fair wage.

We talk of prosperity or we talk of farm problems; but I doubt if there is any problem in the business world in America to-day that seems so insoluble as does this calamity that confronts the State of Pennsylvania.

Mr. JOHNSON. Mr. President, I want to make plain to the Senate that I am interested in getting the resolution passed so that we may get to work. I do not want to indulge in animadversion or in criticism at all. Some of the questions that were asked me by the distinguished Senator from Utah might perhaps have been answered in a much more critical way. I do not now wish to indulge in that. I recognize something of what has been said by the Senator from Pennsylvania. There is an industry that is languishing, that has had its trials and its

tribulations. It is a basic industry. I recognize that. I recognize, too, I think, what he perhaps may not recognize as well as I do, some of the contributing causes to that languishing industry.

I should like, if it were possible, by this resolution and by the subsequent investigation by the Interstate Commerce Committee, not only to relieve the human distress that is appealing to me, of course, and more appealing than any other part of the investigation, but I should like, too—and in that connection I have been in consultation with those in the Department of Labor and with the Secretary of Labor—to endeavor to present something that will remedy the conditions that exist, not only from the human aspect but from the economic as well; and this resolution, if you will recall, is predicated, so far as its jurisdiction is concerned, upon the investigation of all of the causes that have contributed to the conditions in the Pennsylvania fields, and the railroad situation, in the endeavor, as it is asserted, to depress wages, as well as upon the instrumentalities of the courts and their use in the State of Pennsylvania.

Mr. GLASS. Mr. President—

Mr. JOHNSON. I yield to the Senator from Virginia.

Mr. GLASS. I shall vote for the Senator's resolution; but I should like to inquire if he has in mind a purpose to stifle competition and to transfer from one field to another this distress which has been depicted to the Senate.

Mr. JOHNSON. Oh, no, sir; by no means, sir. This is such a horrible condition up there, sir, that I would not wish it to spread. I would wish to curtail it in every possible way.

I believe it is quite so, as the Senator from Pennsylvania has said, that the Governor of Pennsylvania has instituted some inquiry into the coal and iron police; but the institution of that inquiry was very recent.

Mr. REED of Pennsylvania. Oh, Mr. President, will the Senator permit me to interrupt him?

Mr. JOHNSON. I will, sir.

Mr. REED of Pennsylvania. Away back last spring I sent photographs to the Governor of Pennsylvania from Pittsburgh showing the location of the first riot which occurred, and making the statement to him that the conduct of his State police was then criticized, and he started that investigation then. I speak of my own personal knowledge.

Mr. JOHNSON. I stand corrected if that be so. I spoke from the press alone.

So far as the relief that has been extended by the State of Pennsylvania is concerned, the first relief was extended by the churches in Pittsburgh, and was very slender, indeed. The next was by the little Sunday schools there. It is true the miners have been giving, to those who required it, \$3 per week, and upon \$3 per week families have been living in the coal fields of Pennsylvania. It is equally true that one week ago certain very excellent gentlemen in Pittsburgh met, and then they contributed some very large sums for relief of distress in the State of Pennsylvania. So that something has been accomplished thus far, at least, in the presentation of the matter. Much may be done by the passage of the resolution and the investigation.

I do not desire, as I repeat, to go into detail again concerning conditions or concerning the industry itself. I believe that the Interstate Commerce Committee is equipped, that it has the jurisdiction, that it is more or less familiar with the facts, and that with the aid of the Department of Labor as now constituted it may do a monumental work in accomplishment under this resolution, and I beg that it may be passed.

Mr. BINGHAM. Mr. President, I listened the other day with the greatest interest to the eloquent presentation of the facts by the Senator from California [Mr. JOHNSON]. There is no question about the need and the suffering. There is no question that something ought to be done.

It is with extreme diffidence that I suggest that what ought to be done is not an investigation by Members of this lawmaking body, who would have to be taken away from their duty here if they made a proper personal study of the conditions in the field. It would not do for them to postpone such an investigation until after the Congress should adjourn. They ought to make it now, if at all. I can not help wondering why the Senator from California does not direct the Department of Labor to make this investigation. He has just stated that the committee would have to rely upon them, and it seems to me that it is eminently—

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. BINGHAM. May I finish the sentence?

Mr. JOHNSON. I was going to answer the Senator's question if he was propounding a query to me; that was all.

Mr. BINGHAM. When I finish the sentence I shall be glad to have the Senator answer it. It seems to me that it is eminently fitting that the Secretary of Labor or his able department

should be instructed to carry out just the investigation which the Senator proposes.

Now I shall be glad to yield to the Senator.

Mr. JOHNSON. One of the reasons, sir, that make this investigation necessary by the Senate, with its inquisitorial powers, is because the Secretary of Labor undertook to bring these parties together and to do what he could with the Government of the United States thus intervening through its Secretary of Labor; and the men in Pennsylvania who are the operators of the coal mines refused to meet with the Secretary of Labor of the United States. That is the reason, sir, why we can not ask the Secretary of Labor to undertake this investigation; and if you will read the remarks that I made a week ago upon this subject you will find inserted in them the letter of the Secretary of Labor to me, saying in so many words that he endeavored to bring the parties together, to have them meet in amity, and he sought to have some sort of arrangement made that might at least alleviate conditions up there, and the operators refused to meet with the Secretary of Labor. That is one of the reasons why this investigation is asked by the Senate.

Mr. BINGHAM. May I ask the Senator another question? If it is possible for us to give to certain Senators the power to make this investigation in Pennsylvania, why have we not the power to give to the Secretary of Labor the same power to make an investigation of this matter and to compel the attendance of witnesses?

Mr. JOHNSON. I do not think we could transfer the inquisitorial powers of this body to any official outside this body.

Mr. BINGHAM. Of course, Mr. President, I am one of those very old-fashioned people who do not like to see the Senate of the United States continue in its course of becoming the great national grand jury, and when the Senator from California refers to the inquisitorial powers of the Senate I am inclined to ask him where in the Constitution he finds authority for the Senate to exercise inquisitorial powers?

Mr. JOHNSON. It has the absolute power. We may take that for granted. I do not care to discuss that.

Mr. BINGHAM. I know we have been taking it for granted.

Mr. JOHNSON. And we have it.

Mr. WATSON. Mr. President, if the Senator will permit me, I would just like to make a statement about the jurisdiction of the Senate to act on problems of this character. It was debated fully and considered quite at length in the committee. My remarks also have reference to the question propounded by the Senator from Utah [Mr. KING].

There are four allegations in this resolution. The first is that the committee is directed "to make a thorough and complete investigation of the conditions existing in the coal fields" of Pennsylvania, West Virginia, and Ohio.

I doubt very seriously whether or not we could justly make that kind of investigation, because that doubtless does not come within the purview of our authority to investigate, in my judgment. The only authority that we have for investigation is that we may develop facts which may be the basis of legislation, and these coal mines, lying wholly within a State and being operated wholly within a State, are doubtless subject wholly to State jurisdiction.

The second allegation is this, "to ascertain whether the railroad companies and their officials have been or are, by agreement or otherwise, endeavoring to depress the labor cost of coal produced by union mine labor." In other words, an implied allegation that there is a conspiracy among various railroads to boycott the mines operated by union labor. That clearly falls within the purview of our authority to investigate. It might be made the subject of legislation legitimately by Congress. Therefore I think that Congress may very legitimately inquire into those conditions.

Mr. FESS. Mr. President, will the Senator yield there?

Mr. WATSON. Certainly.

Mr. FESS. That particular item is beyond the power of the States, as I understand it.

Mr. WATSON. That is my understanding.

Mr. FESS. There is rather a serious charge made by more or less responsible people, and I could not see how a State could make the inquiry, and for that reason I did not hesitate to vote for the authority of the Senate to make the investigation.

Mr. BINGHAM. Mr. President, can not the Interstate Commerce Commission do that?

Mr. FESS. That has jurisdiction simply over the question of rates, and could not handle the punitive idea that is here involved.

Mr. BINGHAM. Can not the Department of Justice do it, then?

Mr. FESS. It might.

Mr. WATSON. Mr. President, the next question is whether or not in the said coal fields wage contracts have been abrogated or repudiated.

I doubt very seriously whether or not, if there were no other allegation than that in this resolution, we would have authority to investigate. That comes wholly within State jurisdiction, in my judgment. Then follows the fourth allegation, which is this, that—

The said committee, or a subcommittee thereof, shall ascertain whether in industrial disputes or strikes in said coal fields injunctions have been issued in violation of constitutional rights, and whether by injunction or otherwise the rights granted by the Constitution of the United States have been abrogated and denied.

Clearly that is a legitimate subject for inquiry by the Senate of the United States and not by a State legislature, and I think not legitimately by a department of Government.

Mr. REED of Pennsylvania. So far as it relates to the Federal courts, at least.

Mr. WATSON. It relates to the Federal courts; that is the point exactly, it covers cases where constitutional rights have been violated.

Mr. SACKETT. Mr. President, why is it not also proper to consider violations of constitutional rights by State courts just as well as Federal courts?

Mr. WATSON. I do not want to split hairs with my friend from Kentucky, because he and I are alike in advocating the passage of this measure, but I think that so far as injunctions have been issued by Federal courts and then violated, it is clearly a matter proper for inquiry by the Congress of the United States, either branch or both branches.

I do not believe, I will say to my friend from Connecticut, that it falls within the province of the Interstate Commerce Commission to make an investigation of this character. They are charged by the organic act which created them with certain specific duties, and their whole time is occupied in the discharge of those duties. I do not think they have the time, and I do not think really they have the machinery, to investigate a matter of this character.

Mr. BINGHAM. Mr. President, may I ask another question?

Mr. WATSON. Certainly.

Mr. BINGHAM. Why would it not be possible to redraft the resolution in such form as to refer to the proper Senate committee those parts of it which properly belong to the Congress, and which the Senator has just clearly pointed out should be given to the appropriate committee to investigate, which in this case would seem to me to be the Committee on the Judiciary, in the matter of the injunction, because that committee, as I understand it, now has before it an act relating to the abuse of injunctions. The other parts of the investigation, which the Senator from Indiana has said do not properly belong to the Congress, could be given to the Department of Labor or to the Department of Justice, as the case might be.

All I am trying to get at, Mr. President, I will say to the Senator in explanation of my question, is to avoid any further steps being taken by the Senate to become merely a grand jury instead of a proper body making laws, and in its judicial capacity seeing whether the laws are properly carried out by the Federal authorities.

Mr. WATSON. I will say to my friend that I quite fully agree with that view of the situation, but here is a case which so peculiarly calls for legislation, or, as it appears now, may call for legislation, that I think there is no escape from an investigation by a committee of the Senate.

If we have not jurisdiction over two of these allegations, we clearly have over the other two, and I think it would be taking two bites at the cherry to distribute the authority and investigate part of the matter by one committee and another part by another committee. I am not seeking, heaven knows, to have any further investigations sent to my committee, but if the Interstate Commerce Commission is to make this investigation, it should have jurisdiction to investigate the whole subject, and every phase of the whole subject, and ought to have, because you can not consider the parts which relate to State sovereignty and the parts relating to national sovereignty separately. They must be considered together by one committee, at one time, in my judgment.

Mr. BINGHAM. I was not referring to any division between committees of matters relating to the States and the Federal Government, but why include an investigation of matters which the Senator himself admits is not the province of the Federal Government?

Mr. WATSON. The old rule was that where the court by any one phase of a question acquired jurisdiction of a proposition, it had jurisdiction for all phases of the proposition, and

though I quite agree with the Senator that we should not become a body of snoopers and snipers whose sole business it is to investigate anything and everything under the sun, nevertheless I think this is a perfectly legitimate matter of inquiry by the Senate of the United States.

Mr. NORRIS obtained the floor.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me for just one statement in that connection?

Mr. NORRIS. I yield.

Mr. REED of Pennsylvania. I sympathize with the Senator from Connecticut in his insistence upon the proper separation of State and National functions, and with the Senator from Utah in his constant insistence on that, but the condition in this case is so desperate, the needs of relief, if there is any relief possible, are so great, that I do not believe anybody in Pennsylvania will assert any legal technicalities, and while I am not authorized to speak for every individual there, I do not believe this committee will even have to issue a subpoena. They will be welcomed to the State, and a request will suffice to bring any witness to tell everything he knows. There will be no disposition, I am sure, to contest or quibble over the authority of the committee to get the facts. We want them to have the facts.

Mr. NEELY. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Nebraska yield to the Senator from West Virginia?

Mr. NORRIS. I yield.

Mr. NEELY. I understood the Senator from Pennsylvania to say a few minutes ago that the coal produced in Pennsylvania yields twice as much profit to the railroads that carry it to market as it yields to the operators who produce it.

Mr. REED of Pennsylvania. No, Mr. President, I did not say that. I said that in most cases the cost of getting it to market exceeded the cost of producing it at the tipple.

Mr. NEELY. In other words, the Pennsylvania coal operators pay more for the transportation of a ton of coal than they are able to retain from the proceeds of its sale for having produced it.

Mr. REED of Pennsylvania. I fancy that is true in West Virginia as well, is it not?

Mr. NEELY. It is true in West Virginia; and, unfortunately, to a much more distressing extent than it is in Pennsylvania. As a result of the most recent and outrageous decision of the Interstate Commerce Commission West Virginia, Virginia, and Kentucky pay 45 cents more than Pennsylvania pays for the transportation of a ton of coal to Lake Erie ports.

West Virginia coal operators pay 48 cents more than Ohio No. 8 and Cambridge districts pay for the transportation of a ton of coal to the Lakes.

For 10 years prior to the 10th day of August, 1927, West Virginia and Kentucky operators paid 25 cents a ton more freight on their high-volatile coal, and West Virginia paid 40 cents a ton more freight on her smokeless coal to Lake Erie ports than Pennsylvania paid. During these 10 years Ohio No. 8 and the Cambridge districts enjoyed, over West Virginia and Kentucky, a handicap freight rate to the Lakes which was 3 cents a ton greater than the handicap granted to Pennsylvania by the Interstate Commerce Commission. By virtue of an order issued by the commission the railroads serving the eastern Ohio and western Pennsylvania districts were required to lower their freight rates 20 cents a ton on lake cargo coal for the benefit of these districts.

About the 1st of August, 1927—on or before the 10th of August, 1927—the Chesapeake & Ohio, Norfolk & Western, Louisville & Nashville, and the Southern Railroads duly announced that they would voluntarily reduce their freight rates on soft coal from the southern districts to Lake Erie ports 20 cents a ton in order to meet the enforced reduction in favor of Pennsylvania and Ohio.

This voluntarily proposed reduction of rates in favor of West Virginia and the other southern coal-producing States the Interstate Commerce Commission unceremoniously suspended, or, in other words, compelled the four railroads just mentioned to charge 20 cents a ton more freight than they asked on West Virginia, Kentucky, and Virginia coal that is shipped to the Lakes. The net result of all of which is an enforced freight-rate reduction of 20 cents a ton in favor of Pennsylvania and Ohio and an enforced suspension of a similar reduction voluntarily made in favor of West Virginia, Kentucky, and Virginia, for which the Interstate Commerce Commission is exclusively to blame. A majority of this commission, unmindful of their duty to the entire country, have constituted themselves champions of Pennsylvania's undertaking to monopolize the bituminous-coal business of the United States. They say to the railroads, in effect, "You shall not reduce your rates on Virginia,

West Virginia, Kentucky, and Tennessee coal, because you would thereby interfere with the monopolistic schemes of the coal operators of the State of Pennsylvania.

Strange to say, Mr. Esch, on the eve of his reappointment to membership on the commission, changed his position on this very important lake cargo freight-rate question, and for the first time yielded to Pennsylvania's clamor for a monopoly of the coal business in the Northwest. In the light of Mr. Esch's previous record, I am compelled to believe that his desire for reappointment either consciously or unconsciously influenced his vote in this case.

Fortunately the Senate will soon have an opportunity to ascertain Mr. Esch's reasons for having assisted in outraging Virginia, West Virginia, Kentucky, and Tennessee in order to create an indefensible monopoly for Pennsylvania.

The southern coal operators have learned in the merciless school of bitter experience to understand a complaint such as the Senator has made against burdensome freight rates, but they will scarcely be able to forget the grievous afflictions which they are suffering at the hands of the Interstate Commerce Commission long enough to pity the producers of Pennsylvania who have become the beneficiaries of the commission's most affectionate and paternalistic solicitude.

The Senator from Pennsylvania should not complain of freight rates. On the contrary, he should rejoice over the fact that his State and the State of Ohio have succeeded in coercing the Interstate Commerce Commission to decide every rate case in their favor regardless of consequences to the rest of the country.

I also understood the Senator from Pennsylvania to say that the operators of his State are now producing coal with union labor or under union conditions.

Mr. REED of Pennsylvania. Substantially, that is true.

Mr. NEELY. I ask the Senator if the Pittsburgh Coal Co., the greatest coal company of the Senator's State, and one of the greatest in the world, is not operating wholly "nonunion" at the present time, and if it has not been operating "nonunion" exclusively for many, many months?

Mr. REED of Pennsylvania. Oh, yes; of course, that is so, and everybody knows it. Throughout the bituminous region there is a very large strike on, so that there is no great amount of union production at the present time, and those companies which are operating are trying to operate nonunion in many cases. That is true.

Mr. NEELY. In fact all of the large coal companies in the Pittsburgh region are operating under nonunion conditions, are they not?

Mr. REED of Pennsylvania. Absolutely; while through the anthracite region it is quite the other way, and there are no nonunion operations.

Mr. NEELY. The anthracite region is not in question. It is not involved in the resolution of the distinguished Senator from California.

In view of the fact that anthracite coal is produced only in Pennsylvania and that its producers are free from competition, it would be quite remarkable if the anthracite industry were not thoroughly unionized.

Mr. REED of Pennsylvania. The whole purpose of my statement, if the Senator pleases, was that the wage scales prevailing in Pennsylvania are, I believe, higher than those in the competitive districts. I think that is true.

Mr. NEELY. I have been informed by persons who ought to know that the scale of wages now prevailing in western Pennsylvania and eastern Ohio is similar to that which prevails in Virginia, West Virginia, Kentucky, and Tennessee.

Mr. GLASS. In any event, may I ask the Senator from West Virginia if it is the proper function of Congress to adjust wage scales? Is that the purpose of the investigation?

Mr. NEELY. Certainly Congress has no authority to equalize the wages that are paid by the proprietors of private industries, and the pending resolution invokes no action relative to this matter. But regardless of the purpose of the proposed investigation I do fervently hope that it will be productive of great benefit to every distressed coal miner and every embarrassed coal operator in the land; and that the investigating committee may succeed in evolving a practical plan for the rehabilitation of the entire coal industry, the prosperity of which is directly or indirectly of vital importance to every man and woman and child.

Mr. WILLIS obtained the floor.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. Have I lost the floor again?

Mr. NEELY. I apologize to the Senator from Nebraska.

Mr. NORRIS. I have had the floor off and on several times and have not finished a sentence yet. Through my kindness of heart I always yielded when a Senator wanted to make a speech,

Under the rule I understand we are not allowed to speak more than twice on the same day on the same bill or on the same question, and since technically I have had the floor three different times this morning and lost it every time by some Senator just taking it away from me, I suppose that technically I am not entitled to the floor again. I want to submit, if the Senator from Ohio will permit me, a unanimous-consent request. I ask unanimous consent, notwithstanding I have ignorantly lost all my rights, that when all the other Senators who want to talk get through that I may have the floor. [Laughter.]

The PRESIDING OFFICER. The Senator from Nebraska is entitled to the floor at this time if he wishes it.

Mr. WILLIS. Mr. President, will the Senator from Nebraska yield to me for a brief statement?

Mr. NORRIS. Certainly.

Mr. WILLIS. Mr. President, I do not think the present moment is opportune for a discussion of matters which are now pending before the Interstate Commerce Commission. I regret that the distinguished Senator from West Virginia [Mr. NEELY] has felt called upon in this forum to indulge in the discussion of a matter judicial in character and which is now pending before the Interstate Commerce Commission. My own view of the propriety of government and my understanding of the functions of the Interstate Commerce Commission are such as to make me believe that it is, to say the least, indelicate to indulge in discussions here of matters which are now pending before the Interstate Commerce Commission, and therefore, while I should feel strongly inclined to controvert some of the suggestions made by the Senator from West Virginia, I shall not indulge in that discussion at this time.

I want to say further that I think the criticism leveled at Mr. Esch was hardly worthy of my friend the Senator from West Virginia, who always aims to be fair. I think that, while there may be difference of opinion as to the wisdom of Mr. Esch's decision upon this or any other matter, there can be no question as to his integrity, and the suggestion that he was influenced by anybody to reach a certain decision is, as I believe, entirely unworthy.

Because I think this is not the proper time for a discussion of these matters I yield the floor, but at the proper time I shall want to say something about the suggestions made relative to those matters now pending before the Interstate Commerce Commission.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. WILLIS. Certainly.

Mr. NORRIS. Will the Senator tell the Senate whether he is for or against the resolution which he has been discussing?

Mr. WILLIS. I am for it. I did not mean to leave any other impression. I was responding as best I might to the suggestions made by the Senator from West Virginia [Mr. NEELY].

Mr. DENEEN. Mr. President, I report an amendment to the pending resolution from the Committee to Audit and Control the Contingent Expenses of the Senate, the amendment being on page 2, line 18, after the word "witnesses," to insert:

to administer oaths and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in pursuance of the purposes hereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment now reported by the Senator from Illinois.

Mr. NORRIS. Mr. President, I want to discuss the resolution. I hope I shall not be out of order in doing that. I undertook to make a little explanation an hour or so ago on an interruption of the Senator from Utah [Mr. KING], who, I think, misconceived the conditions which apply to the resolution. The conditions that brought about the introduction of the resolution, I think, and which in my judgment justify its passage, are conditions which, at least to a great extent, if not entirely, came about from the issuing of an injunction by a Federal judge in a Federal court. Because the difficulty has come about from an injunction that was issued from a Federal court, it therefore is a proper matter for investigation, I should think, by the Senate, being a part of the Federal Government. It is not a State injunction that is involved.

The people who are driven out of their homes and are living in barracks, where all this suffering takes place, are living there because of an injunction which is now the subject of consideration by the Committee on the Judiciary upon a bill now before that committee proposing to curtail the issuing of injunctions by Federal judges and Federal courts. Therefore, it seems to me that it is perfectly proper for the Federal Government, through any instrumentality under its control, to investigate the question.

Indeed, it was the intention of the subcommittee of the Committee on the Judiciary investigating the matter to apply to the

Senate for authority to go to Pittsburgh and make an examination of conditions. I doubt very much whether we shall do that if the resolution now before the Senate is passed, as I assume it will be, because then a subcommittee from the Interstate Commerce Committee will go and make the investigation and we shall perhaps rely on their report for the facts, if we want to use them.

Mr. KING. Mr. President, may I ask the Senator from Nebraska in what State the injunction was issued?

Mr. NORRIS. In Pennsylvania.

Mr. KING. That is what I understood.

Mr. NORRIS. The Judiciary Committee have not finished their hearings. They have only heard one side of the question. I would not presume to state anything about the facts, and I would not discuss them if it had not been that the Senator from Pennsylvania [Mr. REED], who is personally acquainted with the situation, has described in some detail the conditions existing there. I think it is without question a very deplorable condition, whatever the cause may be determined to have been.

I feel that some of the Senators here have changed base since yesterday. The Senator from Connecticut [Mr. BINGHAM], who, I am sorry, has left the Chamber—and yet I can not blame him very much because he knew I was going to take the floor—is consistent to-day with his conduct of yesterday. He did not want a committee of the Senate appointed yesterday to investigate anything pertaining to legislation, and he is against such action to-day. I thought he was wrong yesterday. I think he is wrong to-day, although I have to concede that in the judgment of the Senate he is right and I am wrong.

That can not be said of the chairman of the great Committee on Interstate Commerce, the Senator from Indiana [Mr. WATSON]. I am sorry he has left the Chamber, too. He is inconsistent to-day with the attitude he took yesterday, when he was opposed to a committee of the Senate gathering information for the purpose of legislation, while to-day he is in favor of it. We converted him evidently in the arguments yesterday, but the conversion did not come until after the Senate adjourned, and consequently we did not get his vote and we did not get the wonderful influence of his power here, or we would have won yesterday instead of getting licked. I feel that if we should have had a reconsideration of the vote yesterday since we now have with us the great Senator from Indiana, we could have done yesterday just what we are going to do to-day—appoint a Senate committee to gather some evidence for the purpose of enlightening the Senate in regard to legislation.

I did not know that this was coming up, but after the vote on yesterday I thought perhaps the Judiciary Committee was going to block any further consideration of the injunction bill, because I felt as though the Senate had established the precedent that none of its committees had any authority or any jurisdiction or any right to undertake an investigation for the purpose of determining whether we ought to have any legislation; and if so, what kind we ought to have. We shall reverse ourselves to-day under the influence, control, and leadership of the great Senator from Indiana, and we shall send his committee up there to gather evidence, and shall be able to legislate wisely and patriotically in due time.

Mr. REED of Pennsylvania. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Senator from Illinois [Mr. DENEN] offered an amendment a moment ago, which the clerk will read.

The CHIEF CLERK. The Senator from Illinois, on behalf of the committee, offers the following amendment: On page 2, line 18, after the word "witnesses," to insert:

to administer oaths and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in pursuance of the purposes hereof.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment proposed by the Senator from Pennsylvania will now be stated.

The CHIEF CLERK. The Senator from Pennsylvania offers the following amendment: On page 2, after line 9, to insert:

Said committee or subcommittee shall also investigate the existing rate structure of freight rates on bituminous coal, to determine whether there exist injustices and unfairness therein and whether any mining districts have been unfairly and abnormally stimulated and overdeveloped thereby.

Mr. COPELAND. Mr. President, if the situation in Pennsylvania and in other mining States were not so serious and the suffering so great, I should think that we might spend an hour laughing at the Senators from coal States who are so solicitous

now that something should be done. This morning the Senator from Pennsylvania [Mr. REED], with tears in his voice, talked about the suffering in his State; the Senator from West Virginia [Mr. NEELY] is much concerned now over what is going to happen in the coal business; but two years ago, when there was suffering in my State and the people there were deprived of coal, I did not find any tears in the voices of Senators from the soft-coal States, neither did I find any sympathy in their hearts.

Mr. President, there can be no doubt that there is great suffering in the coal fields of Pennsylvania. As I said the other day, within an hour by airplane of this Capitol, women and children are suffering and deaths are occurring by reason of deprivations.

Mr. NEELY. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from West Virginia?

Mr. COPELAND. For a question only, please.

Mr. NEELY. The Senator from New York says that he found no sympathy in our hearts a year or two ago when he was trying to secure the passage of his coal bill. I want the Senator to tell us what diagnosis he made to determine that condition by virtue of which he ascertained a lack of sympathy on the part of those of us who come from coal-producing States?

Mr. COPELAND. Mr. President, the physician has learned to gain much knowledge by observation, and I had the opportunity time after time to observe the unwillingness and to witness the inactivity of the Senators from those States.

I am not going to become involved in any new controversy with the Senator from West Virginia. He has made his speech and when I get through with mine he may make another one; but I have some things to say about this resolution.

Mr. President, I desire to say, first to the Senator from California [Mr. JOHNSON] that when we deal with the sufferings, the misery, and the unhappiness in the homes of the coal miners, after all, we are dealing with effects, with results. I want to ask the Senator from California if he thinks that his resolution goes far enough to reach the causes of this suffering? The only thing I can find in the resolution which seeks to locate the causes is in the third line on the second page.

Mr. JOHNSON. I think that accomplishes the purpose.

Mr. COPELAND. The resolution there reads:

and the reasons for conditions and happenings therein.

Does the Senator think, if that language be adopted, that it will enable the committee to ascertain all the factors which enter into the causes of this serious situation in the coal industry?

Mr. JOHNSON. Those words were inserted purposely in order that every contributing cause might under the circumstances be developed. I can say to the Senator from New York very frankly that I have not any doubt, if there is any single cause or any number of causes contributing to those conditions and happenings in the coal fields, the committee will have a perfect right under that language to develop them.

Mr. COPELAND. May I ask the Senator, after the committee has ascertained all the facts and reached its conclusion, will the committee then feel free to recommend any measures of relief which may be necessary?

Mr. JOHNSON. That is my assumption.

Mr. COPELAND. I am very glad to have the Senator's opinion to that effect, but I want to make sure, Mr. President, that that is the case, because there is a very serious situation here. I do not need to be reminded by the Senators from the coal States about the dreadful plight of the coal industry; there is not any question about it. I am speaking now of the industry as a business; not of the industry in relation to labor and the sufferings of the miners and their families in the mining towns, but the industry itself. It is absolutely on the rocks. There have been employed the most short-sighted policies in the conduct of this industry. It is amazing to me to think that the men who control the industry—and as I have met them they appear to be wise and big business men—have not shown a grain of common sense in the conduct of the coal business, but have permitted it to drift along until now the industry is all but bankrupt. If it were an industry engaged in the development of some product which was a luxury, its condition would not be of any concern to the Congress, but there can be no happiness in this country unless we have an unfailing supply of coal.

We must have the coal to run our factories; we can not have employment in the cities unless we have coal to run the factories; we must have coal for every purpose having to do with the industrial life of our country. So it is a matter of vital importance that we do not direct the committee to go ahead

without wide authority. It would be a pity if it shall be determined at the end of the investigation that the committee is powerless, because it has authority to deal merely with intrastate matters.

The things that are happening in Pennsylvania are terrible. It is outrageous the way the private police treat the poor miners and their families there. It is a heartless and wicked thing the way the owners of the mines have dispossessed the miners, have put them out of comfortable cottages, thrown them into the street, and have not waited even for them to build barracks where they might go and take care of the babies; and babies have been born in the streets. It is an outrage, but unfortunately that particular phase of it is not a thing with which Congress can deal. That is a problem for the State of Pennsylvania and for the localities where the mines are situated. However, there is a larger problem, Mr. President, and that is the problem of the causes of this disastrous state of affairs and those causes we must seek.

I heard this morning the appeal from the Senator from Pennsylvania, an appeal that struck home to me. I do not want to hold myself as being holier or more sympathetic than is the Senator from Pennsylvania, but he did not respond to my appeal two years ago when the people of my city and of my State and in my section of the United States were suffering. There was not any response then.

But, Mr. President, we must go forward in this matter. We must ascertain how there can come about an economic situation which will permit people to suffer, to be deprived of employment, and cause women and children actually to suffer for want of food and to die from exposure.

The causes are not hard to find. Of course it is true that by reason of the World War and the demand at that time for fuel mines were opened by the hundreds. I suppose it is safe to say that we have to-day three or four thousand more coal mines than we need; and with the opening of every mine came the engagement of men as miners. Now, with no demand abroad for coal and with only our own people to serve, we find ourselves with three or four thousand more coal mines than we need, and a quarter of a million miners have no work.

Last year the mines of this country produced almost a maximum coal supply—almost as much as they had produced at any time—yet 250,000 miners were without work and three or four thousand mines have been closed.

It would not be worth while, I will say to the able and kind-hearted Senator from California, sad as it is, for the Senate to inquire merely into the physical conditions surrounding these suffering people in Pennsylvania. So unless the committee is determined to go to the root of the trouble and find the causes for the effects which we are witnessing the inquiry will be a failure.

I wish to say that my study of this question through two or three years has convinced me that it is a tremendous problem. The committee will have no easy task, but if it shall find a way to solve the problem, to restore the coal industry to economic prosperity, and to direct into other channels of activity the 250,000 surplus miners, then it will deserve a monument at the hands of the American people.

But, Mr. President, I appeal to the Senator from California to make sure that the wording of this resolution is sufficient. I had thought to add at the end of the ninth line on the second page language such as this:

Also to ascertain all the factors which enter into the creation of this serious situation in the coal industry and to recommend measures for permanent relief.

If the Senator from California assures me that the language in the third line on the second page, "and the reasons for the conditions and happenings therein," is sufficient, I am satisfied; but I want to have the language sufficiently broad and the power conferred upon the committee sufficiently ample so that there shall be no doubt that the committee can go to the root of the trouble. It must ascertain what is wrong with this dying industry, in order that there may be restoration of economic prosperity in the coal industry so that we may no longer be embarrassed as we have been and may no longer suffer in our hearts by reason of the happenings in the mining communities.

Mr. JOHNSON. Mr. President, the Senator from New York and I seek to obtain exactly the same end. I am of the opinion that the language in the resolution is sufficient for that purpose. If there be the slightest doubt about it, I would not hesitate to accept the language that is suggested by the Senator from New York and to add it thereto; and if he feels any doubt on that score I would not object to adding the words that he has suggested as an amendment.

The senior Senator from Utah [Mr. SMOOT] suggests that the Senator's language is a limitation, while mine is quite the reverse.

Mr. SMOOT. Absolutely.

Mr. JOHNSON. The fact of the matter is, I personally inserted those eight words with the idea in mind that they would permit the development of anything that had occurred in the coal fields, any reason, any contributing cause in relation to the conditions, so that in my own mind I am very clear; but I want to have the matter very clear to others, too, because I quite agree with the Senator from New York that it would be useless merely to demonstrate the distress and the privation and the want and the hunger and the like. We want to go further. We want to show the causes for the present situation of the industry, as well as the causes that contributed to the want and the privation; and we wish above all things, having developed both and shown the causes, to present some constructive suggestion that may remedy the situation.

Mr. COPELAND. I thank the Senator. We do know the symptoms; we know the effects; we know the results, but we must find the causes.

The Senator from Utah, with his long experience here, knows far better than I do, and I ask him, is it his conviction that the language on the third line will make it possible for the committee to go the very limit in ascertaining the causes of the trouble?

Mr. SMOOT. There is no question about it in my mind; and not only that, but if anything develops in the hearing in the most remote way affecting the industry, they have full power to go to the limit, under the wording of the resolution.

Mr. COPELAND. I thank the Senator. My purpose in rising to speak was to "dye in the wool" this project, to make certain that the committee has the power and to have the Senate understand thoroughly that that is what we expect of the committee, and not have somebody after a while say, "Oh, well, it was never expected that the committee would go that far." The coal industry has been very touchy. Whenever any proposal has been made to investigate it in any way, or to suggest legislation, a dozen Senators in this body have been on their feet at once to say, "You must not do that. We do not want to be interfered with."

I want to make sure what is the sentiment of the Senate. I want it thoroughly understood that this investigation is to go to the heart of the problem, that we are to know what it is that is wrong, and what it is that must be done to remedy the situation.

Mr. GLASS. Mr. President, as already indicated, I have no objection whatever to the resolution as presented by the Senator from California; but now the Senator from Pennsylvania has presented an amendment in the nature of an addition to the resolution, and to that I am utterly opposed. It reveals the purpose of the Senator from Pennsylvania to renew and pursue here a bitterly controversial question.

Is it proposed, I ask the Senator from Pennsylvania, that the Congress of the United States shall assume the railroad rate-making power which it has already committed to the Interstate Commerce Commission? If that is not the purpose of his inquiry, I should like to know what it is. Is it not the purpose to transfer the wretchedness and the misery which he has depicted to the Senate from the coal districts of Pennsylvania to those of Virginia and Tennessee and Kentucky and other States?

Mr. JOHNSON. Mr. President, is the Senator addressing me or the Senator from Pennsylvania?

Mr. GLASS. I am addressing my inquiry to the Senator from Pennsylvania.

Mr. JOHNSON. That is what I thought. Pardon me.

Mr. REED of Pennsylvania. Does the Senator prefer that I answer him as he goes along or that I wait until he finishes?

Mr. GLASS. Just as the Senator himself may prefer.

Mr. REED of Pennsylvania. I should like to say, then, if the Senator will permit me, that of course I do not propose to transfer the misery that exists in Pennsylvania to any other district. I have nothing like that in mind; nor do I propose that the Senate shall make freight rates. All I ask is that this unending disagreement, in which the eloquent Senator from Virginia so well represents one side—

Mr. GLASS. If the Senator will please not say that I am eloquent, I shall be obliged to him.

Mr. REED of Pennsylvania. And in which I so feebly represent the other, may be inquired into by some disinterested Senators who view it impartially.

We are constantly hearing criticism on this floor of the Interstate Commerce Commission and its function. The Senate

has heard it from me in the past. We heard it this morning from my friend from West Virginia [Mr. NEELY]. All I want is that this committee, after it has investigated the matters that the Senator from California has in mind, after it has investigated this acute distress, shall then, having made its report on those things, go on and study with calmness and deliberation this immense conflict which has been waged for so many years between these two districts, and give us some impartial opinion on it and the means for its remedy, because it is against all reason that one part of the United States should be in perpetual warfare against another; and the Senator and I both know that that is the fact.

Mr. GLASS. No; I do not know that that is the fact, Mr. President. On the contrary, I know that for nearly 20 years the coal fields of one section submitted without a murmur to discriminating rates, differential after differential, increasing gradually until they became almost intolerable. They submitted without a murmur upon the assumption that the Interstate Commerce Commission judicially and fairly was making these differentials in pursuance of its duty to adjust transportation rates in a scientific way with respect to their compensatory nature.

After this long period of endurance without a murmur from any Senator or Representative from that section of the country, at last, when the Interstate Commerce Commission balked at a continuance of this oppression and refused to increase its differential, we found an outcry from the section represented by the Senator from Pennsylvania that assumed the most extraordinary aspect of anything that has ever happened within my recollection as a public man; and now the Senator is projecting this very controversy here in a proposed amendment to the pending resolution which assumes that the Congress of the United States possesses the rate-making power or will possess the rate-making power in legislation to follow the investigation proposed by the Senator from California.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. GLASS. I do.

Mr. REED of Pennsylvania. Is it not axiomatic that the Congress does possess the rate-making power, and that the only reason why the Interstate Commerce Commission has that authority is that we have delegated to it that portion of our legislative power?

Mr. GLASS. Yes; I should say that Congress possesses the rate-making power, and I should think the Senator from Pennsylvania would concede that the Congress itself determined that it was impracticable for Congress to exercise the rate-making power, and hence it delegated it to the Interstate Commerce Commission; and now the Senator is proposing to transfer one item of that rate-making power from the Interstate Commerce Commission presumptively to the Senate again because he is dissatisfied with it.

Mr. REED of Pennsylvania. Mr. President, if the Senator will yield, I had no opportunity to take up with the Senator from Virginia, as I did with his associates from West Virginia and Kentucky, Mr. NEELY and Mr. SACKETT, a modification of this amendment; but we have worked out a modification that appears to be reasonably satisfactory to everybody, and I think is clearly impartial and will not interfere with the investigation of the primary subjects intended by the resolution. The modified amendment would read:

Said committee or such subcommittee shall also, after having made its report on the foregoing matter, investigate the existing rate structure of freight rates on bituminous coal, to determine whether there exist injustices and unfairness therein, and whether any mining districts are being unfairly and abnormally stimulated and overdeveloped or are being depressed thereby.

It seemed to them, and it does to me, that that was about as impartial a way of stating it as we could do, and that it would not in any event interfere with the immediate examination of the questions that the proponents of the resolution had in mind.

Mr. GLASS. Does not the Senator perceive that that is a proposition to transfer from the Interstate Commerce Commission to the Senate itself the determination of the very question in controversy? Otherwise his resolution is perfectly futile and meaningless.

Mr. REED of Pennsylvania. Mr. President, I do not propose that we shall assume the rate-making power.

Mr. GLASS. Is it the purpose, then, for the Senate to undertake to instruct the Interstate Commerce Commission to exercise its rate-making power as delegated by Congress in a way to meet the view of the Senator from Pennsylvania?

Mr. REED of Pennsylvania. Of course not. But here are millions of people, citizens of this country, who say that the

Interstate Commerce Commission has sanctioned a rate structure that works unfairly to them. It is not a question of a particular rate, it is not a question of correcting a particular rate, but the people in Virginia say to that commission and to the world in general that they have been unfairly treated; the people in Pennsylvania say the same thing, and there are millions of people interested in this. Are we to ignore it in the Senate except in desultory talk?

Mr. GLASS. Mr. President, the Senator from Pennsylvania was engaged in conversation a while ago, and he did not hear my statement that the people of Virginia for a period of nearly 20 years submitted without a single murmur through their representatives here or in the other branch of Congress to the rate-making adjustments of the Interstate Commerce Commission, upon the assumption that those adjustments were based upon a scientific determination of railroad rates with reference to the compensatory nature of those rates.

I challenge the Senator to show that a representative from Virginia, or any one of these coal fields affected by his proposition, ever uttered one word of condemnation or remonstrance when those differentials were being fixed. It was not until the Interstate Commerce Commission in its judgment refused to raise the differentials to an extortionate rate, to a rate that meant disaster to these other coal fields, that the Senator from Pennsylvania himself assailed the commission, and held up the confirmation of a nominee who had participated in that view of the question on the Interstate Commerce Commission.

Now, I am sorry to note that the Senator is trying to transfer that controversy again to the floor of the Senate, and to commit to a Senate committee a proposition which in the circumstances it has not proper jurisdiction, and the only meaning of which is that he is proposing that the Senate or the Congress may assume jurisdiction of this rate and either by resolution or advice or by statute require the Interstate Commerce Commission to so adjust rates as to meet the situation as the Senator sees it.

Mr. REED of Pennsylvania. Does the Senator approve the first part of the resolution, which would call for an examination of the actions of the Federal court in issuing an injunction in this case?

Mr. GLASS. I am much more disposed to take the view expressed by the junior Senator from Utah, that the great State of Pennsylvania itself ought to be able to take care of the situation, but since it has gotten into the Federal court I raise no objection to the resolution as presented by the Senator from California.

Mr. REED of Pennsylvania. The great State of Pennsylvania could not do much with the actions of Federal courts. If the Senator approves the Senate finding out the facts which underlie the judicial decree in that injunction suit, how can he consistently resist our effort to find out the facts which lie behind the orders of the Interstate Commerce Commission that have spelled disaster to whole communities?

Mr. GLASS. I think they are two entirely different propositions, distinctive, without relation one to the other. The inquiry here is as to whether a Federal court has abused its proper functions in issuing injunctions in a coal-mine strike.

Mr. REED of Pennsylvania. A Federal court, sanctioned by the Constitution, is a totally different department of the Government, and the Senator would have the Senate go and investigate that—and I agree with him that it should—but he would not have them investigate the creature of Congress.

Mr. FLETCHER. Mr. President, may I ask the Senator from Pennsylvania a question?

Mr. GLASS. I yield.

Mr. FLETCHER. I want to ask him whether or not it is his claim that this question of freight rates constitutes a contributing cause to the distressing conditions which the resolution undertakes to investigate.

Mr. REED of Pennsylvania. Our people in Pennsylvania think it is the principal cause, and they think that an investigation which is not permitted to go into that question goes in with one eye blind. I can not see why the Senator from Virginia should be so anxious to prevent the Senate from having the facts if he is so sure that he is right.

Mr. GLASS. Mr. President, I am not at all anxious to prevent the Senate from having any facts upon which the Senate is authorized to act. I simply do not desire to complicate the resolution of the Senator from California with a bitterly controverted proposition, the real purpose of which, disguise it as one may, is to authorize the Interstate Commerce Commission to exercise powers which Congress itself does not possess, and which the Congress may not lawfully delegate to the Interstate Commerce Commission, to authorize the Interstate

Commerce Commission to say whether it may not use its rate-making power as a cudgel to the operators of any industry in this country, or to the owner of any commercial enterprise, to put them under the ban of the Interstate Commerce Commission, to say to them, "Unless you are willing to conduct your business thus and so, this way or that way, we will penalize you by raising your railroad rates."

I say that it is a monstrous proposition. I say that it is a usurpation of power, which is already occurring, to which the Congress should put an end, and it will not put an end to it by introducing this controversial question here at this time and in this way.

Mr. REED of Pennsylvania. The Senator wants Congress to put an end to what has been done by the commission, and yet he is not willing that we should have the facts upon which to act.

Mr. GLASS. We have an abundance of facts. As a matter of fact, the Interstate Commerce Commission has scarcely closed its doors upon an exhaustive investigation of railroad rates in this particular field. The Senator knows that. We do not lack any information upon the subject. We are perfectly aware of what has happened, and the most pregnant thing which has happened of all the happenings is the fact that the Interstate Commerce Commission has been guilty of a monstrous usurpation of power, a perversion of the rate-making scheme committed to its administration.

I hope the Senator will withdraw his amendment. If he wants to enter upon this controversy in the Senate, let him do it as a separate proposition and not fasten it as a rider upon the comparatively unobjectionable resolution offered by the Senator from California.

Mr. REED of Pennsylvania. Mr. President, within my rights to perfect the amendment, I want to modify it to read in accordance with our agreement, as follows.

The PRESIDING OFFICER. The clerk will read.

The LEGISLATIVE CLERK. The Senator from Pennsylvania proposes to insert, on page 2, after line 9, the following paragraph:

Said committee or such subcommittee shall also, after having made its report on the foregoing matter, investigate the existing rate structure of freight rates on bituminous coal, to determine whether there exist injustices and unfairness therein, and whether any mining districts are being unfairly and abnormally stimulated and overdeveloped or are being depressed thereby.

Mr. SACKETT. Mr. President, I do not like to see this amendment put upon the resolution now pending, and for very definite reasons.

I am anxious to see this resolution carried through and a proper investigation made of the serious condition that exists in the coal fields referred to or in any other fields. But as far as this amendment goes, if it should be determined by the Senate that a very much wider margin of railroad rates between the coal fields to which it refers were warranted, or that the rates from Pittsburgh should be further reduced, that fact would not in any particular help solve the difficulty under which the people in Pennsylvania now live. The situation there is the result of a strike, of an effort of the union to control, or of operators to get rid of the union, and however much business the operators there could gain under a change of freight rates, that strike would still continue and the misery of the people remain until one or the other side was defeated. In that sense this amendment is not germane to the resolution before the Senate.

As to an investigation of the effect of the freight rates and the attitude of the Interstate Commerce Commission upon the southern coal fields or upon the Pennsylvania coal fields, I would welcome it. I know that it will show that there has been made an attempt to shift the burden of unemployment from one section of the country to another, to develop abnormally one section of the country and retard the development of another section of the country.

Under any fair resolution that can be proposed—and in terms this one as offered seems to me now to be getting into a fair form—I would assist a separate resolution by going before the Interstate Commerce Committee. But there are various questions connected with the investigation that is proposed in this amendment which I feel are of such a serious nature that it ought not to be passed in open session without having been discussed in the committee, and there never has been any open discussion of this amendment in the committee.

One of the things to which I refer is the point raised by the Senator from Virginia, that if an investigation shall be made it should be made for the purpose of affording a basis for new legislation. If such new legislation requires the change of railroad rates in order to effect justice between the districts, the

Senate is committing itself to overriding the Interstate Commerce Commission. I think that is a matter which the Senate Committee on Interstate Commerce ought to consider seriously and that they ought to consider also seriously the exact and fair wording of the amendment, which is very difficult for the Senate as a whole to do in open session.

An investigation of the great questions that are raised by this amendment would be a matter of tremendous expense. The coal organizations of both fields that are here involved have been fighting this question before the Interstate Commerce Commission and have been gathering witnesses and evidence for many years past. It has been a terrific charge upon the industry in both sections. If the additional charge of a further investigation before a Senate committee can be avoided, naturally it would tend to economy in the production of coal.

I feel, therefore, that I want to say to the Senate that if the Senate committee believes that a Senate investigation can be valuable in its ultimate results I will join, as a representative of the State of Kentucky, with the Senator from Pennsylvania in perfecting a resolution which will bring about an investigation that shall be fair and equal on all sides. But I do feel that without the proposition having run the gantlet of the Senate Committee on Interstate Commerce on the question as to whether such an investigation is wise, as to whether the results to be obtained from such an investigation would be helpful and afford a basis for legislation, it is one that should cause the Senate to pause and consider.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 7201, the Alien Property Custodian bill.

Mr. SMOOT. Mr. President, I ask unanimous consent that the unfinished business be laid aside for not to exceed 30 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the unfinished business is laid aside for not to exceed 30 minutes.

Mr. SACKETT. Mr. President, I would like to say a word or two more.

Mr. SWANSON. Do I understand that the unfinished business is laid aside for 20 minutes?

Mr. JOHNSON. No; the Senator from Utah asked unanimous consent to lay it aside for not to exceed 30 minutes.

Mr. SWANSON. I have no objection to laying it aside without any specific limitation.

Mr. JOHNSON. When the 30 minutes are up, if we have not disposed of the resolution I am going to ask that the unfinished business be laid aside for a further time.

Mr. SMOOT. Mr. President, one reason why I specified 30 minutes is because last week the alien property bill was laid before the Senate and made the unfinished business. I was assured on Monday that if I would consent to lay it aside, the resolution, which we passed last night, would be passed in one day. Here it is Thursday and the unfinished business has not been considered for a minute. With the unfinished business laid aside indefinitely the pending resolution might take the remainder of the week, and I do not feel that I would be justified in consenting to lay aside the unfinished business further. I hope we can get through with the pending resolution in 30 minutes.

Mr. JOHNSON. I hope so. I think the Senator from Pennsylvania [Mr. REED] agrees with me that we ought to conclude it in 30 minutes.

Mr. REED of Pennsylvania. I think we can finish it in 15 minutes. I should like to see it passed to-day.

The PRESIDING OFFICER. The Senator from Kentucky has the floor and will proceed.

Mr. SACKETT. Mr. President, the point I was making when the unfinished business was laid before the Senate was that the questions here involved, it seems to me, are of such moment that they ought to be considered by a regular committee of the Senate before they are acted on. The question that must be involved, if the Senate finds that the rates as between districts are unjust, has been argued in the Senate on numerous occasions. One of the last arguments that I remember was presented by the Senator from Idaho [Mr. GOODING], in which he sought to demonstrate the advisability of a change in the rule of the long-and-short-haul clause. I listened to the arguments that were made here that such change of rates be made by congressional action, which, in my opinion, was contrary to the entire theory of rate making when that prerogative was turned over to the Interstate Commerce Commission.

If it was true in that case, it is true in this case. Therefore, a great principle of the whole method of rail rate making in the country is involved in the adoption of the pending amendment to the resolution.

I speak to the Senate in agreement that if the Senate thinks it is wise, after consideration by the committee, that the Senate shall investigate and see whether legislation of this character is necessary, I as a Representative of one of the districts involved in the matter will gladly and willingly join with the Senator from Pennsylvania, because, as I said, I feel that the cause of my people is just and it will stand before any tribunal in the country. But I do object to having an amendment put on the pending resolution which has not been considered by the proper committee of the Senate when it involves the rate-making power directly by Congress, a question of such magnitude to the country.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Pennsylvania.

Mr. EDGE. Mr. President, I simply want to propound a question to the proponent of the resolution, the Senator from California [Mr. JOHNSON], as to whether he objects to the addition of the proposed amendment to his resolution?

Mr. JOHNSON. Mr. President, I am very glad the question has been propounded. When the resolution first was introduced the Senator from Pennsylvania was sympathetic with it and suggested to me that he desired an amendment, which was substantially the amendment that he has offered to-day. I, knowing little of the proposition involved, told him that I would accept the amendment. Subsequently I learned, when the matter came before the Interstate Commerce Committee, that the amendment would give rise to very great discussion and controversy and might imperil the object I had in view in presenting the resolution. Thereupon I took the matter up with the Senator from Pennsylvania and explained to him the conditions which had arisen, and he very kindly said that he would leave to my discretion what should be done with the amendment.

I have not any objection to the amendment, unless the amendment is going to jeopardize and imperil the resolution and prevent the accomplishment of the purpose that is mine in introducing the resolution. Apparently, to-day, from what has been said by the Senator from Virginia [Mr. GLASS], from what has been said by the Senator from Kentucky [Mr. SACKETT], and from what has been said by the Senator from Pennsylvania [Mr. REED], an interminable debate will arise upon this particular amendment. I do not want the resolution jeopardized or imperiled in any way. Delay ought not to occur in a matter of this sort of such great importance, and the resolution itself ought not to be imperiled by any amendment of any kind or character that is not directed to the immediate purpose of the resolution. That is my attitude.

Mr. GLASS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Virginia?

Mr. EDGE. I yield.

Mr. GLASS. I have already said that if the Senator from Pennsylvania wants to introduce a separate and distinct resolution to ascertain the facts, with a view to determining whether the Interstate Commerce Commission has properly exercised its functions or to have legislation to enlarge the functions of the Interstate Commerce Commission, to vest it with the right of determining, not the adjustment of railroad rates but conditions of operation and so on, I shall not object to it; I shall be glad to vote for it. There is no concealment that I want to make of any fact involved in any investigation whatsoever.

Mr. JOHNSON. Inasmuch as the Senator from Pennsylvania is quite in accord with me in desiring the investigation, will he not accept what is suggested by the Senator from Virginia and withdraw the pending amendment which causes the controversy and the delay in the passage of the resolution?

Mr. EDGE. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I do not see why we can not get a vote on the amendment within the next 15 minutes. The moment it is voted on the resolution will pass.

Mr. JOHNSON. Then let us vote on it.

Mr. EDGE. Mr. President, I have taken the floor for a very brief statement. As I have already publicly stated, and I think also to the Senator from California [Mr. JOHNSON] in conversation, I am in entire sympathy with his resolution and will vote for it. But I am unable to understand why we should make two bites of the cherry, as it were. It seems to me the subject introduced in the amendment proposed by the Senator from Pennsylvania is decidedly germane. By his own explanation he makes it perfectly clear that much of the difficulty in the coal fields, as analyzed in the State of Pennsylvania, has arisen because of the difference in freight rates in transporting coal. I do not propose for a moment to discuss that proposition, its equity, or its fairness, but as the representative in part of one of the States in the Union not having any coal deposit,

but being consumers, of course, as are the other 35 or 40 States of the Union which are noncoal-producing States, we have a decided interest in the freight rates. It naturally causes wonder as to why, in paying for a ton of coal, we pay just as much if it is hauled 150 miles as if it comes 300 miles.

It seems to me when a committee of the Senate is going into that district to investigate a rather comprehensive program such as is contained in the resolution of the Senator from California, it is only common business sense at the same time, by the same committee in the atmosphere, to get all the information that can be obtained which might directly or even indirectly apply to the prices of coal. I can see no reason in the world, especially when the Senator from Virginia [Mr. GLASS], the Senator from Kentucky [Mr. SACKETT], and other Senators all express their willingness that the investigation should be made, why we should subdivide it or why one should interfere with the other; in other words, why should 10 Members of the Senate be employed to inquire into a situation that five Members can readily investigate?

Mr. GLASS. Does the Senator from New Jersey contend that it is the business of Congress or any other branch of the Government to determine transportation rates by the varied conditions in different coal fields? If it may do that with respect to coal, may it not do it with respect to any other industry or any other commercial enterprise?

Mr. EDGE. Exactly; but the Congress of the United States has provided legislation under which the rate-making powers and all other powers are delegated to the various commissions. It seems to me absolutely within the purview of a very proper investigation for the Senate of the United States to determine those underlying facts which go to help prepare or consider legislation.

Mr. GLASS. Does Congress itself possess or has it the right to delegate to any commission the power to say what may be the operating conditions in any industry in the country?

Mr. EDGE. Perhaps not directly that; but the Congress, it seems to me, should—

Mr. GLASS. Has Congress the right—

Mr. EDGE. Will the Senator let me answer his question?

Mr. GLASS. The Senator can answer both questions in one word. Has Congress the right itself or has it the right to delegate to any commission the power to fix transportation rates—

Mr. EDGE. The rate-making power—

Mr. GLASS. To fix transportation rates with reference to the operating conditions that prevail in any industry or any commercial enterprise in the country?

Mr. EDGE. The Senator has asked me more or less a technical legal question, but I would say, from the standpoint of a layman, in a general way, that if the Congress of the United States, under the broad interpretation, as I understand it, of the decision of the Supreme Court, has the right to investigate almost any situation or condition in the country if it can be even indirectly related to the pertinency of legislation; it certainly has the right both morally and legally to ascertain, in the fields of Pennsylvania, Virginia, or any other State, the underlying condition.

Mr. GLASS. I am not talking about ascertainment; I am talking about what may be done constitutionally or legally after we have ascertained the facts. Does the Senator contend that the Congress of the United States has the power—

Mr. EDGE. To investigate; yes.

Mr. GLASS. I did not say investigate.

Mr. EDGE. That is all I am discussing.

Mr. GLASS. Why investigate if we do not contemplate legislation?

Mr. EDGE. I am assuming that that is what is contemplated.

Mr. GLASS. I am asking the Senator, after the investigation shall have been made, if ordered, has the Congress itself the constitutional right to so adjust transportation rates in the country as to affect operating conditions in any industry or any commercial enterprise?

Mr. EDGE. The Congress of the United States has the right to secure, and it is its duty to secure, all information of the kind pertinent to legislation.

Mr. GLASS. The Senator does not answer my question.

Mr. EDGE. I will answer the Senator's question, but I will answer it in my own way, and not in the way the Senator from Virginia would like me to answer it.

As to their direct power to actually fix rates; no. As to their power to secure all the information that may or may not be of help in revising powers of the Interstate Commerce Commission; yes.

Mr. GLASS. I have not attempted to deny the latter proposition.

Mr. EDGE. Then we are not very far in disagreement.

Mr. GLASS. What then is the purpose of the investigation if it is not legislation or to obtain information upon which to base legislation?

Mr. EDGE. My latter answer was entirely upon the premise of information upon which to base legislation.

Mr. GLASS. But the second answer of the Senator shows how utterly futile the proposed investigation might be.

Mr. EDGE. That could only be discovered after the investigation was completed.

Mr. SWANSON. Mr. President, I am very much surprised at the position taken by some Senators on the other side of the aisle. I am satisfied that many of them who are contemplating voting for the amendment offered by the Senator from Pennsylvania are not acquainted with the situation.

There is now pending before the Interstate Commerce Commission a case in which the railroads have asked the privilege of reducing their rates to the extent that rates have been reduced on certain other railroads for the benefit of the coal mines of Pennsylvania and contiguous sections. The reduction in the rates referred to has increased by 20 cents a ton, the differential or benefit which those mines enjoy. The railroads that serve Virginia, West Virginia, Kentucky, and Tennessee have asked the privilege of a similar reduction. That case, as I have said, is now pending before the Interstate Commerce Commission, which has refused permission to the railroads to put into effect the lower rates which are sought. That case will ultimately determine whether or not the new rates shall be allowed to go into effect. Yet the Senator from New Jersey, the Senator from Connecticut, and the distinguished and able lawyer from Pennsylvania are desirous of having Congress investigate a case that is pending in quasi judicial tribunal. I sat here for a long time and heard the roof of the Capitol almost blown off in denunciation of Congress daring to investigate any question concerning which or involved in which there was a case pending in the courts.

What is this proposition in a real common-sense way? There is pending a case as to whether certain railroads shall be permitted to put into effect the same reduction in rates that was accorded to other railroads. While that case is pending, is being heard and argued, it is proposed that the Senate shall by a committee proceed to investigate the question and have a report and recommendation submitted.

Mr. REED of Pennsylvania. Mr. President, does the Senator mean that he disapproves an investigation of those matters which are pending in judicial tribunals?

Mr. SWANSON. I might say that the Senator has almost persuaded me that we ought never to do such a thing from the continual talk he has indulged in relative to similar matters.

Mr. REED of Pennsylvania. I wonder whether I have not entirely persuaded the Senator to that effect?

Mr. SWANSON. With a case pending in the court, I do not think that the Senate ought to undertake an investigation with the view to making a report to influence the decision of that court.

Mr. REED of Pennsylvania. Is the Senator going to vote for the resolution as it stands without my amendment?

Mr. SWANSON. I am not saying what I am going to do. I shall cross that bridge when I get to it, and I wish I could persuade the Senator from Pennsylvania to do the same thing.

Mr. REED of Pennsylvania. The Senator is now facing that very bridge, and I am wondering whether he is going to cross it.

Mr. SWANSON. I do not think the Senate should take such action as is proposed by the Senator's amendment when there is a case pending before the Interstate Commerce Commission. I do not think that it should appoint a committee to make a recommendation to do what the Senator has decided should be done in that case. The Senator can not advocate that, can he?

Mr. REED of Pennsylvania. Will the Senator yield to me for a moment?

Mr. SWANSON. I yield.

Mr. REED of Pennsylvania. If the Senator is not going to vote for the resolution as presented by the Senator from California, then he is probably the only Member of the Senate who is going to vote against it. I call the Senator's attention to the fact, however, that the resolution as originally submitted empowers the committee to "ascertain whether in industrial disputes or strikes in said coal fields injunctions have been issued in violation of constitutional rights."

If it is commandment No. 1 in the Senator's decalogue that proceedings pending in court ought not to be inquired into, how can the Senator's conscience allow him to vote for that portion of the resolution?

Mr. SWANSON. If the Senator will permit me, I will answer that very quickly. The Senator admits that there is

a specific case now pending, in which three railroads have asked to reduce their rates.

Mr. REED of Pennsylvania rose.

Mr. SWANSON. I will yield to the Senator later. A specific case is pending, and the Senator asks for an investigation as to the specific question involved in that case. If a specific injunction were pending—

Mr. REED of Pennsylvania. It is.

Mr. SWANSON. As to that specific case, a different proposition would be involved. I have no objection to proceeding along the line of general principles, but the Senator endeavors to invoke the functions of a committee of the Senate to help him in a case that is pending before the Interstate Commerce Commission. It does not turn on any broad principle; it merely involves the question whether the coal fields in Pennsylvania shall be developed or the coal fields elsewhere shall be developed, although the Pennsylvania coal under existing law already has a differential of more than 20 cents a ton, which is a great advantage.

What I object to is allowing this matter to be investigated, and a report made to be considered by the Interstate Commerce Commission, when a case on the very subject is pending before it. When the decision shall have been rendered if the opinion is adverse to the claims of the Senator from Pennsylvania, then I think it would be very proper to have an investigation. On the other hand, if it shall be decided adverse to the vast interests of Virginia, West Virginia, Kentucky, and Tennessee, we would ask for an investigation. Why? With a view of ascertaining whether or not the law ought to be amended, whether such authority and power ought to be given to the Interstate Commerce Commission. The commission might decide in this case that it has not the authority; that it is not the industrial master of the country; but I say, pending that decision, it is not proper and it is not right to employ the subterfuge of an investigation by the committee to influence the decision of the Interstate Commerce Commission.

Mr. REED of Pennsylvania. The Senator does not seem to have read my amendment; I do not think he has read the original resolution; and he certainly has not been listening to the debate; but otherwise he is fully equipped to condemn the proposition that I have proposed.

Mr. SWANSON. Perhaps I am suspicious of anything that the Senator from Pennsylvania may introduce in connection with coal.

Mr. REED of Pennsylvania. I quite understand that.

Mr. SWANSON. It carries with it suspicion *prima facie*.

Mr. REED of Pennsylvania. The Senator would be surprised to learn, then, that this amendment seems to the Senator from West Virginia and the Senator from Kentucky to be entirely satisfactory; that it does not refer to any particular dispute; that it does not in any way imply any favoritism to Pennsylvania.

Mr. SWANSON. They have given sufficient reasons why it should not be adopted. I have other objections. I think, with the combination of objections urged by other Senators and the fact that there is a case pending, the committee ought not to make a report on the facts to be ascertained in this case. I have no objection when a decision shall have been reached, and when the decree shall have been entered, to having the question investigated; in fact, I shall then favor it; but at this time I think that the proposed action should not be taken. I do not know, really, what the purpose of the Senator is. He says he is in favor of the original proposition. I am willing to vote for it and have no objection to it, but I will tell you, Mr. President, there is a very fine way of killing a proposition by adding amendments to it. I have engaged in that kind of procedure myself, and I am afraid the Senator from Pennsylvania himself is an adept at it.

Mr. REED of Pennsylvania. Just before the Senator entered the Chamber the Senator's colleague said that he saw no objection to such an investigation as this if we would provide for it in a separate resolution. Which of the Senators represents the true thought of the great State of Virginia?

Mr. SWANSON. Virginia has two Senators; it is not like the State of Pennsylvania, which is dominated by a boss and which has only one. [Laughter.] Virginia sends two Senators here and not one, and they are not dominated by a boss.

Mr. REED of Pennsylvania. Of course, there is such a thing as State rights in Virginia.

Mr. SWANSON. I repeat, we have two Senators and not one.

Mr. REED of Pennsylvania. Yes; but the State of Pennsylvania is not permitted to select more than one.

Mr. SWANSON. She does not need more than one when she has a boss, because they vote the same way.

Mr. President, in my opinion, the pending resolution should not have attached to it the amendment of the Senator from Pennsylvania. In justice to the commission and what is being done there, I think the investigation proposed by the Senator from Pennsylvania should not be made until the case pending there has been decided. When it shall have been decided, we shall know as to the industrial business of the entire United States, where coal may be mined, where it may be sold, where we shall have factories developed, and other industries in various sections. Those questions will be determined. If the commission shall say that it will be the industrial master of America, I think the law ought to be changed. The proper time to conduct such an investigation and to ascertain the facts will be when the commission has decided the case pending before it and defined what it thinks its authority is. Now is a very inopportune time.

Mr. REED of Pennsylvania. The Senator has now answered my question. He is going to vote for this resolution in spite of the fact—

Mr. SWANSON. I do not know whether I will vote for it if it shall be amended as the Senator seeks to amend it, but without his amendment I will vote for it.

Mr. REED of Pennsylvania. Even if it calls for an investigation of specific proceedings which are still under adjudication in the United States court?

Mr. SWANSON. As to whether coal shall be sold from Pittsburgh or sold from Virginia is more or less a local matter, but if the Senator's amendment were adopted it would be an effort to secure evidence and facts to help him in a case that is pending before the Interstate Commerce Commission, and the power of the Senate ought not to be used for that purpose.

Mr. JOHNSON. Mr. President, if the Senators will yield to me for just a moment, I wonder if they would do me the kindness to permit a vote on the pending amendment before the half hour to which the Senator from Utah referred shall have expired?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. On that I ask for the yeas and nays.

Mr. NEELY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry. Is this a call for a quorum or a yea-and-nay vote?

The PRESIDING OFFICER. The roll is being called to ascertain the presence of a quorum, at the request of the Senator from West Virginia [Mr. NEELY].

Mr. NEELY. Mr. President, I withdraw my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The point of order of the lack of a quorum has been withdrawn. The question is on the amendment of the Senator from Pennsylvania [Mr. REED], on which the yeas and nays are demanded.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. ASHURST responded in the negative when his name was called.

Mr. BLAINE. Mr. President, I ask that the amendment may be stated.

Mr. SMOOT. The roll call has proceeded and the Senator from Arizona has answered to his name. Nothing can now be done but to continue the roll call.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the amendment may be stated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the amendment.

The LEGISLATIVE CLERK. On page 2, after line 9, it is proposed to insert:

Said committee or such subcommittee shall also, after having made its report on the foregoing matter, investigate the existing rate structure of freight rates on bituminous coal to determine whether there exist injustices and unfairness therein, and whether any mining districts are being unfairly and abnormally stimulated and overdeveloped or are being depressed thereby.

The VICE PRESIDENT. The clerk will resume calling the roll.

The roll call was continued.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I transfer that pair to the Senator from Massachusetts [Mr. WALSH] and vote "nay."

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer my pair with him to the senior Senator from Louisiana [Mr. RANSDELL], and will vote. I vote "nay."

The roll call was concluded.

Mr. BROUSSARD. My colleague [Mr. RANSDELL] is unavoidably absent. If present, he would vote "nay."

Mr. BROOKHART (after having voted in the negative). I have a pair with the Senator from South Carolina [Mr. SMITH]. I am informed that he would vote the same way that I have voted, and therefore I will allow my vote to stand.

Mr. ASHURST. I desire to announce that the junior Senator from Washington [Mr. DILL] and the junior Senator from Massachusetts [Mr. WALSH] are absent on important business; and that if present, they would severally vote "nay."

Mr. REED of Pennsylvania (after having voted in the affirmative). Has the Senator from Delaware [Mr. BAYARD] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. REED of Pennsylvania. I will transfer my pair with him to the Senator from Vermont [Mr. GREENE] and let my vote stand.

Mr. BLAINE. My colleague [Mr. LA FOLLETTE] is necessarily absent. If present, he would vote "nay" on this question.

The result was announced—yeas 15, nays 60, as follows:

YEAS—15			
Bingham	Gillett	McLean	Reed, Pa.
Couzens	Gooding	Moses	Smoot
Curtis	Hale	Oddle	Willis
Edge	Keyes	Phipps	
NAYS—60			
Ashurst	Fess	King	Schall
Barkley	Fletcher	McKellar	Sheppard
Black	Frazier	McMaster	Shipstead
Elaine	George	McNary	Simmons
Borah	Gerry	Mayfield	Steck
Bratton	Glass	Metcalf	Steiwer
Brookhart	Harris	Neely	Stephens
Broussard	Harrison	Norbeck	Swanson
Bruce	Hawes	Norris	Trammell
Capper	Hayden	Nye	Tydings
Copeland	Heflin	Pittman	Tyson
Cutting	Howell	Reed, Mo.	Wagner
Dale	Johnson	Robinson, Ark.	Walsh, Mont.
Deneen	Jones	Robinson, Ind.	Warren
Ferris	Kendrick	Sackett	Wheeler
NOT VOTING—19			
Bayard	Edwards	Overman	Thomas
Blease	Goff	Pine	Walsh, Mass.
Caraway	Gould	Ransdell	Waterman
Dill	Greene	Shortridge	Watson
du Pont	La Follette	Smith	

So the amendment of Mr. REED of Pennsylvania was rejected.

The VICE PRESIDENT. In accordance with the unanimous-consent agreement, the Chair lays before the Senate the unfinished business.

Mr. SMOOT. Mr. President, I am informed that there are no further speeches to be made upon the resolution. If that be the case, I ask unanimous consent that the unfinished business be temporarily laid aside for the purpose of having a vote upon the resolution.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement that the unfinished business be temporarily laid aside, and that a vote be had upon the resolution?

Mr. TYDINGS. Mr. President, reserving the right to object, I wish the Senator from Utah would make his request so that we can hear him. For about ten times I have never been able to understand what he has asked. If he will speak a little louder, I shall appreciate it.

Mr. SMOOT. I can not talk against half a dozen Senators. My request was that the unfinished business be temporarily laid aside in order to take a vote upon the pending resolution.

The VICE PRESIDENT. Without objection, it is so ordered. The question is on agreeing to the resolution as amended. The resolution, as amended was agreed to, as follows:

Resolved, That the Senate Committee on Interstate Commerce or a subcommittee thereof be, and it is hereby, authorized and directed immediately to make a thorough and complete investigation of the conditions existing in the coal fields of central Pennsylvania, western Pennsylvania, West Virginia, and Ohio; also to ascertain whether the railroad companies and their officials have been or are, by agreement or otherwise, endeavoring to depress the labor cost of coal produced by union mine labor; also whether in the said coal fields wage contracts have been abrogated or repudiated, whether defenseless men, women, and children, without cause, have been evicted from their homes, and generally what has transpired in the said coal fields, and the reasons for conditions and happenings therein; and in this connection the said committee or a subcommittee thereof shall ascertain whether in industrial disputes or strikes in said coal fields injunctions have been issued in violation of constitutional rights, and whether by injunction or otherwise the rights granted by the Constitution of the United States have been abrogated and denied.

The expenses of said committee or a subcommittee thereof hereunder, which shall not exceed \$10,000, shall be paid out of the contingent

fund of the Senate. Upon the conclusion of its investigation the committee or a subcommittee thereof shall forthwith report to the Senate.

Said committee or a subcommittee thereof is hereby empowered to sit and act at such time or times and at such place or places as it may deem necessary; and to require by subpoena or otherwise the attendance of witnesses, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in pursuance of the purposes hereof; and to require the production of books, papers, and documents, and to do such other acts as may be necessary in the matter of said investigation.

The chairman of the committee, or of a subcommittee thereof, or any member thereof, may administer oaths to witnesses. Every person who, having been summoned as a witness, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation hereby authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

RECENT DECISIONS OF THE INTERSTATE COMMERCE COMMISSION

Mr. REED of Missouri. Mr. President, I had intended to discuss a matter before the Senate this afternoon relating to the Interstate Commerce Commission, but the day is wearing on, and the bill which is the unfinished business is important, and I want it to have attention and the right of way. So I desire to give notice that on to-morrow, as soon as the routine morning business shall be disposed of, I will ask the attention of the Senate while I submit some remarks.

ALIEN PROPERTY AND OTHER CLAIMS

The VICE PRESIDENT. Under the unanimous-consent agreement, the Chair lays before the Senate House bill 7201, the Alien Property Custodian bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, which had been reported to the Committee on Finance with amendments.

Mr. SMOOT. Mr. President, I assure Senators that I am going to speak only a few moments in explanation of the pending bill, known as the Alien Property Custodian bill. As I stated in reporting the bill, the report was made in such a way that every item in the bill and every amendment thereto was explained in the report. Therefore, what I have to say to-day will be just a short, further explanation of the object and purpose of the bill.

SETTLEMENT OF WAR CLAIMS BILL

Mr. President, I am very glad of the opportunity to proceed at the present time for prompt action by the Senate upon the settlement of the war claims bill. The legislation is of the utmost importance. There was almost unanimous agreement in the Finance Committee upon the provisions of the bill. In fact, I believe I am justified in stating that there was unanimous accord upon the general principles, and that the divergent views of one or two Senators were directed toward only a few provisions of the bill.

NECESSITY FOR THE LEGISLATION

A practical method must be found, without delay, for the payment of the claims of American nationals against Germany, amounting to more than \$191,700,000, including interest to January 1, 1928 (excluding the claims of the United States on its own behalf, amounting to more than \$62,200,000, including interest); for the payment by the United States of the amounts which it justly owes, and I may say has owed for several years, for private property which it took during the war, consisting of ships and patents and radio station; and for the return of property which was seized by the Alien Property Custodian during the war, and which is still held by him.

The existing situation demands immediate action. American claimants must be paid as soon as possible and as much as possible, for if nothing is done now they will not be paid within their lifetime. The owners of the property taken by the United States must be paid, for their debts are already long overdue. As much of the property in the hands of the Alien Property Custodian as is possible should be returned at once.

A practical solution of the problems necessitates a certain departure from principles, a departure which under other circumstances might not be easy of justification. For example, as I have stated before, I, for one, would have been glad if all the alien property could have been returned years ago. We have probably retained it now for a longer period than American principles would permit, if that were the only problem involved. But we are not confronted with the sole question of the dispo-

sition of alien property. We must also recognize the necessity of adequately protecting the citizens of the United States who suffered losses by the acts of Germany during the World War. We have worked long and hard in an effort to determine upon practical methods which will be fair, equitable, and sound.

The committee report discusses in detail every provision of importance in the bill. This report has been available for several days. Accordingly it will not be necessary for me at this time to enter into a lengthy and technical discussion of the bill and its provisions. I trust that Senators interested in the bill will study the report carefully, for I believe they will find in it an answer to their questions. I will do no more at the present time than refer briefly to the bill and then explain the reasons which prompted the committee to reject many of the proposals made to it.

WHAT THE BILL WILL DO

The bill as reported by the Finance Committee will, briefly, accomplish the following:

First. All death and personal injury awards to American nationals (393 in number and aggregating more than \$4,000,000) will be paid in full; all awards to American nationals not in excess of \$100,000 will be paid in full (3,046 in number to date and aggregating more than \$29,400,000).

Mr. OVERMAN. Mr. President, I am interested in the claims of the estates of some of those who went down on the *Lusitania*.

Mr. SMOOT. They are all taken care of.

Mr. OVERMAN. Will any interest be paid?

Mr. SMOOT. Interest will be paid on all the claims of Americans in accordance with the awards made by the Mixed Claims Commission.

Mr. ROBINSON of Arkansas. Can the Senator state from memory the number of claims of that class that will not be fully paid?

Mr. SMOOT. Does the Senator mean over the \$100,000?

Mr. ROBINSON of Arkansas. Yes.

Mr. SMOOT. One hundred and seventy-eight claims. That is, there are 162 claims that have already been adjusted and there are 16 claims that have not been adjusted by the Mixed Claims Commission, which no doubt will be, and when those 16 have been adjusted then there will be 178 of them.

Mr. ROBINSON of Arkansas. One hundred and seventy-eight in all?

Mr. SMOOT. One hundred and seventy-eight in all. Every claim will be paid with the exception of 178, and as to those 178 I will tell the Senator just exactly what they will amount to outside of the 16 that have not yet been adjusted.

The sum of \$100,000 will be paid upon all the larger awards (162 in number, with about 16 still to be entered, and aggregating more than \$158,000,000). These payments (amounting to more than \$51,000,000) will be made as soon as the necessary administrative machinery can be set up. Practically all of them should be paid by September 1 of this year. The balance of the larger awards will be paid in future installments and an amount equal to 80 per cent of all the private awards (amounting to more than \$153,400,000) will be paid, with interest, within six years.

Second. The claims against the United States will be adjudicated with an opportunity afforded the claimants and the United States to be heard and to present evidence. It should be possible to enter awards in most of the cases within two years. As soon as the awards are entered the claimants will receive 50 per cent of their award and the balance will be payable in future installments.

Mr. HOWELL. Is the Senator referring to ships?

Mr. SMOOT. Ships, and patents, and a radio station.

Mr. HOWELL. The ships have already been appraised at \$34,000,000?

Mr. SMOOT. That was right after we entered the war. I will reach that question.

Mr. SWANSON. Mr. President, let me ask the Senator this question: As the Senator has said, the ships were appraised and their value ascertained at the time they were taken?

Mr. SMOOT. Yes.

Mr. SWANSON. I think that was done by a naval board, when I was chairman of the Committee on Naval Affairs of the Senate, and they tried to fix a fair estimate. This bill provides for future appraisal of those ships?

Mr. SMOOT. Not to exceed \$100,000,000.

Mr. SWANSON. Then this board will be authorized to increase this \$34,000,000 to \$100,000,000 if they see proper?

Mr. SMOOT. Interest upon the \$35,000,000 would bring it up to about \$50,000,000.

Mr. SWANSON. At what rate of interest?

Mr. SMOOT. At 5 per cent.

Mr. SWANSON. Does the Senator know of any facts, any evidence, which would make these ships more valuable than they were at that time, when ships were in great demand?

Mr. SMOOT. Yes; I will say that we had one of the parties who appraised the ships before the Finance Committee—

Mr. SWANSON. At what price has the Government been selling these ships?

Mr. SMOOT. Some of them have brought more than they were appraised for.

Mr. SWANSON. How many for less than they were appraised for?

Mr. SMOOT. I do not remember of any one being sold for less.

Mr. SWANSON. What have been the aggregate sales of these ships? What are the figures of their appraisement?

Mr. SMOOT. The Senator will find that in the report. I do not have the figures here now.

Mr. SWANSON. Did the committee discuss the question as to whether these ships really ought to be paid for under international law? Was that looked into?

Mr. SMOOT. There is no question about that.

Mr. SWANSON. The Senator has a way of saying "There is no question about that."

Mr. SMOOT. If the Senator will wait, I will tell him why. There is no question that they should be paid for, under the attitude the Government of the United States has taken in relation to the returning of German property.

Mr. SWANSON. As I understand, the law with respect to ships is this: Of course, when a ship is in your harbor, under international law you have no right to capture it until you give it ample time to get out and escape any cruiser you might send out after it. As to these ships, it would have been a mere subterfuge to order them out of the harbors when the British fleet was lying in wait ready to capture them, and if they had gotten to Germany, Germany surrendered to the Allies all the ships they had above a certain tonnage.

I am willing to waive all question of international law and pay a fair and reasonable price for those ships, but I am not willing to pay any extravagant prices for the ships when I think it is almost a question of generosity on our part to settle for them at all.

Mr. SMOOT. The whole matter of returning a great deal of the property has been a matter of generosity on the part of the United States. All we are asking for now is \$255,000,000 to pay the costs of the army of occupation in Germany after the war and to pay the awards of the Mixed Claims Commission.

Mr. SWANSON. No; we get a certain percentage out of the reparations to pay these debts.

Mr. SMOOT. Up to the present time we have received about \$17,000,000 as payment of Army costs and, of course, that has been credited to the \$255,000,000 for our army of occupation, and we have also received in addition \$16,500,000 for the payment of awards of the Mixed Claims Commission.

Mr. SWANSON. I would like to ask the Senator another question. I have not had time to read the bill, but under it will the taxpayers of America be required to pay the obligations Germany owes us on account of injustices done our nationals? Will the taxpayers of America be called upon to pay?

Mr. SMOOT. There may be a loss to the taxpayers of America if we do not collect from Germany enough in the way of reparations to pay the expenses of the army of occupation, and whatever claims we have against Germany outside of that.

Mr. HOWELL. Mr. President, is it not a fact that the maximum amount applicable to the payment of awards is \$10,700,000?

Mr. SMOOT. I just said that the amount would be \$10,700,000.

Mr. HOWELL. Is it not also a fact that if that \$10,700,000 is paid in the ordinary way to pay these claims, it will take 80 years to pay the claims?

Mr. SMOOT. I think it would take approximately 61 years.

Mr. HOWELL. Under this bill the plan provides for paying these claims all within 39 years?

Mr. SMOOT. Twenty-six years, as I remember, exclusive of Government claims.

Mr. HOWELL. The Government claims will not be paid for 39 years?

Mr. SMOOT. That is correct.

Mr. HOWELL. Fifty-three years; very well. It must be evident that if the Secretary of the Treasury states that \$10,700,000 would not pay all these claims in 80 years, that if there is any plan whereby 61 per cent of American claims are paid within the next 2 or 3 years, and the balance of claims be paid within 26 years, and the total paid, as the Senator says, within 53 years, somebody is going to contribute,

Mr. SMOOT. Mr. President, this was not an individual war, it was not a corporation war; this was an American war, and if anybody is to lose any money, it is the American people. What I mean to say is that rather than an individual American, everybody was interested in it. As was so well said before the committee, the Government claims, under the plan we have, are put last. It will fall upon the taxpayers of the country, as far as that is concerned, pro rata if there is any loss.

Mr. SWANSON. I do not understand the Senator to advocate, do I, that the sinking of the *Lusitania*, killing American citizens—

Mr. SMOOT. That is all provided for.

Mr. SWANSON. Let me finish. You have provided for that?

Mr. SMOOT. Yes.

Mr. SWANSON. Is the American taxpayer ultimately to pay those claims?

Mr. SMOOT. No. We have the money now to pay all those claims.

Mr. SWANSON. Is the American taxpayer finally to pay, in taxes collected in the future, for what is paid out now? That is what I want to know.

Mr. SMOOT. We do pay, and properly so, for the ships we took, for the patents we took, and for the one radio station. Nothing else will be paid by the Treasury or borne by the taxpayers.

Mr. SWANSON. I am perfectly willing for the nationals of Germany to have the money due and the nationals of America who have claims against Germany to get together and fix up a fair settlement of these various claims. I am willing that a long time may be given. I am willing for America to advance a little money, and delay payment, and be generous about it, provided ultimately the American taxpayer shall not be taxed to pay for the derelictions of the German Government.

Mr. SMOOT. As far as the ships and the radio station and the patents are concerned, those are to be paid by the Government. All the property that was seized of Germany and all of the losses of American individuals of every name and nature are to be paid under the provisions of the bill in effect out of moneys received from Germany. We retain 20 per cent of all the property in the hands of the Alien Property Custodian and pay only 50 per cent of the payments for ships and patents and the radio station, and the remainder of the payments are to be made through the reparations.

I would like to have the Senator from Virginia follow the statement I make. I am not through yet.

Mr. SWANSON. As I said, I am willing to deal generously with these people. I think America ought to deal generously under these circumstances. If I am assured by the Senator, after an investigation by the members of the Finance Committee, that ultimately, if we collect the reparations from Germany, American taxpayers might be delayed, that some money might be advanced, but I am not willing that ultimately the taxpayers of America shall be taxed to pay debts which the German Government itself ought to pay.

Mr. SMOOT. If the reparations are paid by Germany, American taxpayers will not be called upon to pay those debts.

Mr. SWANSON. Then it will be left to us whether we will enforce and collect those reparations. Have I an absolute assurance from the Senator that he is satisfied that if Germany pays her reparations the American taxpayer will not be compelled to discharge the obligations of the Government of Germany to its nationals?

Mr. SMOOT. I will assure the Senator that will be the case if the reparations are paid.

Mr. HOWELL. Mr. President, will the Senator yield at that point?

Mr. SMOOT. Mr. President, I think I have my speech prepared in consecutive order, so that any Senator who will follow it will know exactly what the divisions are and how the payments will be made. I would like to get through with it, and then any question that may be asked I shall be glad to answer if I can.

Mr. HOWELL. I simply want to add one thing in this connection, and that is that the United States Treasury will be the victim in connection with the payment of all these awards within the time specified, whether the 2½ per cent Dawes annuities come to the United States or not, and that is all that is provided for in the payment of these awards.

Mr. SMOOT. If the payments continue as up to this time they will be paid in due time.

Third. Eighty per cent of the German property held by the Alien Property Custodian will be returned immediately, and the balance will be returned in future installments.

Fourth. All the property held by the Alien Property Custodian belonging to Austrian or Hungarian nationals will be

returned in full as soon as their governments provide for the payment of their claims of American nationals against them; and the claims of their nationals against the United States will be adjudicated and paid in full.

NO BURDEN ON THE TREASURY

The above results are accomplished without drawing one cent from the Treasury of the United States, except for the payment of the debts which we justly owe. As a matter of fact, this amount is already well represented by assets held by the United States. We still have many of the ships; we have the proceeds derived from the sale of some of them; we have insurance moneys received in the case of some of the vessels which were lost or damaged; and we have the operating profits received by the United States during the war period. It might well be said then that we are providing merely for the distribution of assets now on hand, rather than providing for a new appropriation.

The payments to the United States on account of its army of occupation costs are not affected by the bill, but will continue to be received. Under the Paris agreement the United States is entitled to receive as reimbursement for its Army costs, as a prior charge, the sum of 55,000,000 gold marks per year, or approximately \$13,100,000. For the information of the Senate, I might state that the total received from Germany up to January 31 of this year, as reimbursement of the cost of its army of occupation, was \$16,889,975.74.

FINANCE COMMITTEE AMENDMENTS

The Finance Committee amendments are explained in detail in the committee report. It is not necessary, therefore, to discuss them at this time. However, a brief reference to the more important amendments may be justified.

(1) LATE CLAIMS

Many American nationals did not present their claims against Germany or German nationals to the Mixed Claims Commission within the six-month period specified in the exchange of notes at the time of signing the agreement. There are, roughly, about 5,000 claims which were filed too late, and I know of many others that have not yet been filed. Many of these, of course, involve postwar transactions and are not within the jurisdiction of the commission. Although there are a few fairly large claims, by far the great majority of them are small claims of individuals.

An amendment recommended by the committee requests the President to enter into negotiations with the German Government with a view to extending the time, so that claims may be filed before July 1, 1928. This provision, of course, relates only to those claims which would otherwise have been within the jurisdiction of the commission had they been presented within the period specified. The committee was unanimous in its belief that the six-month period was too short. I sincerely hope the amendment will be adopted and that the agreement will be entered into.

(2) THE AUSTRIAN AND HUNGARIAN SITUATION

The bill as it passed the House dealt only with claims of American nationals against Germany, of German nationals against the United States, and the return of the property of German nationals held by the Alien Property Custodian. The work of the Tripartite Claims Commission, which has been engaged in the adjudication of claims of American nationals against Austria and Hungary, has now progressed to the point where we can now safely and adequately deal with the Austrian and Hungarian situation, and the committee has done so. Briefly, the amendments provide that the property held by the Alien Property Custodian, of Austrian and Hungarian nationals, will be returned in full immediately upon the deposit by these governments of amounts sufficient to pay the awards to American nationals against them, and that the claims of their nationals against the United States may be adjudicated and paid.

Mr. SIMMONS. Will the Senator yield to me for the purpose of making the point of no quorum? I desire to do that because, unfortunately, I was not able to attend the hearings before the Finance Committee on the alien property bill. The Committee on Commerce, which had in charge and which was investigating the question of flood control, met at 10 o'clock each day and the Committee on Finance met at 10 o'clock, and I, being deeply interested in the matter of flood control, elected to attend those hearings instead of the committee investigating the Alien Property Custodian fund. I notice that with the exception of one other member of the committee, the able junior Senator from Utah [Mr. KING], there is no member of the committee on the floor at this time. I would like to have a quorum for that reason.

Mr. SMOOT. All of them were here when I started, I will say to the Senator. I suppose their absence comes about from the fact that the report, which was made upon the bill, was made very carefully and went into the details of the bill very

thoroughly. I am quite sure that every member of the committee knows just exactly what is in the report. If any Senator will take the report and the bill and study them just briefly, he can see everything in detail as to the amendments involved. It will not take me long to get through now.

Mr. SIMMONS. I understand that the agreement of the committee with respect to the matter was practically unanimous.

Mr. SMOOT. Yes.

Mr. SIMMONS. That is to say, the junior Senator from Utah [Mr. KING], I am advised, would not favor it, but with that exception the report was unanimous. There is some difference, however, between agreement to support a proposition and the report upon the action of the committee. I thought the other members of the committee might want to hear the report, which I understand has not been published and has probably not been submitted to the committee and has not been approved by the committee.

Mr. SMOOT. Does the Senator mean the report?

Mr. SIMMONS. Yes.

Mr. SMOOT. Oh, yes; it has been submitted to the committee.

Mr. KING. It has been published, but not formally submitted.

Mr. SIMMONS. Has the report which the Senator is now making been submitted to the committee?

Mr. SMOOT. This is a statement I am making now. This is not the report.

Mr. SIMMONS. I thought the Senator was reading the report.

Mr. SMOOT. No; this is my speech upon the report.

Mr. SIMMONS. Has the report been published?

Mr. SMOOT. Oh, yes.

Mr. SIMMONS. I have not had an opportunity to examine it.

Mr. SMOOT. I hope the Senator will not make the point of no quorum.

Mr. SIMMONS. If the Senator objects, I shall not do so.

Mr. SMOOT. I thank the Senator.

(3) CLAIMS OF THE GERMAN GOVERNMENT

Although the House bill provided that no award on account of ships would be paid to the German Government or to any member of the former ruling family, and that no property held by the Alien Property Custodian should be returned to the German Government or the members of the former ruling family, the committee felt that the burden should be upon the shipowners to establish the interest of the German Government or the members of the former ruling family in the ships. An amendment to this effect was adopted. Amendments were also adopted prescribing a definition for the phrase "members of the former ruling family." This definition will be applicable in the case of claims against the United States and also in the return of property held by the Alien Property Custodian.

(4) SHIP CLAIMS OF DANISH CITIZENS

Two of the ships which were seized by the United States belonged to a German association or corporation which, under the plebiscite held under the treaty of Versailles, became a Danish association or corporation. In view of this fact, it seemed to the committee that different treatment should be accorded them, and their claims are handled in a separate section—section 19 of the bill. It seemed to the committee, however, that special treatment was justified only upon the ground that all the interests in the association or corporation were non-German. Accordingly it was provided that those members or stockholders who were German nationals—and it will be noted that this does not mean that all the members or stockholders were German nationals—must have become citizens or subjects of a country other than Germany and that they did not thereafter, and prior to the date on which the bill becomes law, revert to their German citizenship.

(5) INTEREST ON SHIP AWARDS

A committee amendment changes the interest date on the awards of the arbiter (on account of ships, patents, and the radio station) so that his awards will include interest down to January 1, 1929, instead of January 1, 1928, as in the House bill. The effect of this provision is to include the additional year's interest in the \$100,000,000 limitation upon the aggregate awards of the arbiter under the bill. It is not believed that any awards will be entered before January 1, 1929.

(6) EXCESSIVE ATTORNEYS' FEES

The provisions designated to prevent the exaction of excessive attorneys' fees are strengthened by committee amendments to prohibit the acceptance of any fee until the amount has been fixed by the appropriate official, and to provide specifically for disbarment from practice before any executive department or agency.

(7) ALIEN PROPERTY TO BE AVAILABLE IMMEDIATELY

In order to provide immediate funds, a committee amendment permits the Secretary of the Treasury to call upon the Alien Property Custodian for an amount not in excess of \$40,000,000, to be used in the payment of American claims in accordance with the provisions of the bill. This amount is the estimated 20 per cent, under the House bill, which would eventually have been transferred to the special deposit account. Under the House bill, however, it would have been necessary to wait until the Alien Property Custodian had decided upon the return of the property and had received the written consent of the owner to the retention of the 20 per cent. The Senate amendment, of course, provides for the necessary adjustments if this amount should prove either too small or too large. This provision will greatly facilitate and expedite the payment of American claims.

(8) RETURN OF ALIEN PROPERTY IN CASE OF DEATH OF OWNER

The provisions of the present law and of the House bill relating to the return of alien property in cases where the owner has died or, in the case of a corporation, where it has been dissolved, are amended by the committee and somewhat simplified. In the case of death of the owner, the amount of property to be returned is governed by the status of the decedent. In the case of the dissolution of a corporation, the stockholders' interests will be established, the interest of each stockholder placed in a trust in his name, and will be subject to return to him.

(9) SAVING CLAUSE FOR PENDING SUITS

There are several suits pending brought by the United States or the Alien Property Custodian. In order to remove any possible construction that the provisions of the bill affect these pending suits, a saving clause has been added to section 29.

(10) FEDERAL TAXATION

The provisions relating to taxation are fully discussed in the committee report, and it is not necessary for me to go into them at this time, beyond saying the committee tried to work out provisions which were fair to the owner as well as to the United States.

I might refer to one amendment which we did not have an opportunity to work out in the committee but which I expect to offer to the bill. For purposes of administrative simplicity, to reduce very considerably the work in the Alien Property Custodian's office, and to prevent unnecessary expense I expect to offer an amendment under which all trusts of less than \$2,000 held by the Alien Property Custodian will be returned in full—that is, they will not be subject to the retention of 20 per cent.

PROPOSED AMENDMENTS NOT ADOPTED BY FINANCE COMMITTEE

The more important amendments suggested during the hearings of the committee which were not adopted by the committee are discussed in the committee report, and the reasons for the action thereon by the committee are stated. There are, however, several other amendments which were proposed but which were not adopted, and it might be well for me to refer to them briefly.

It was suggested that we should pay for the use of certain ships during the war title to which was not taken over by the United States. This suggestion relates to four German ships which were taken by the Cuban Government and which were turned over by the Cuban Government to the United States for its use. At the end of the war these ships were returned to Cuba. Your committee could see no justification for paying the German owners.

It was suggested that a specific provision be inserted to the effect that no award should be made for any ship if it was part of the naval auxiliary fleet of Germany. This proposal was rejected because the provisions of the bill are adequate. Compensation will be paid only for "merchant" ships under the terms of the bill. Furthermore, as to the possibility of a merchant ship being a part of the German naval auxiliary fleet, I understand that, although some of the privately owned vessels were subject to the issuance of German Government orders placing them in the naval auxiliary, no such order was issued as to any of the ships interned in the United States. In any event, however, if it should develop that any of the merchant vessels were actually a part of the naval auxiliary fleet the provisions of the bill are adequate, for they would no longer be "merchant" ships.

It was proposed that provision should be made for the Tuckerton radio station. The facts relating to this station are extremely complicated and in all probability all the facts are not yet known. The proposal was rejected because the bill does not in any way affect transactions between the Alien Property Custodian and private parties. The reason for including in the bill the radio station at Sayville, L. I., is that that station was sold to the United States, and the United States should pay

fair compensation for it. As to sales to private parties, however, the field is entirely too broad and unrestricted to permit of any thought of legislation, certainly not without extensive hearings which would require months to conduct. It would seem that whatever rights German nationals may have on account of their interest in the Tuckerton station is a matter to be settled between the parties.

It has been suggested that the time within which German patent owners could bring suit for a reasonable royalty under section 10 of the trading with the enemy act should be extended. It was under this section that the Federal Trade Commission issued licenses during the war for the use of German patents. Royalties were prescribed and the American licensees paid the royalties into the Treasury. Under this section the owner of the patent was entitled to bring suit within one year after the termination of the war—that is, before July 2, 1922—for the judicial determination of a reasonable royalty. There are, roughly, about 200 suits pending in court under this section, covering periods from the date of the license by the Federal Trade Commission to the date of seizure by the Alien Property Custodian of the patent; from the date of seizure by the Alien Property Custodian to the date of sale by the Alien Property Custodian; and after the date of sale by the Alien Property Custodian. In those cases where suits were not brought, section 10 provided that the royalties should be returned to the licensee and that the licensee should not be liable for further payment. It is quite impossible by legislation at this time to deal with all of the innumerable cases and the complex situations.

It was also suggested that the bill should provide for payment for use by the United States during the war period of royalties to which an American national was entitled under a contract with the German owner of the patent. It is believed that whatever rights the American nationals have should be handled in a separate bill to authorize him to sue in the Court of Claims in the same manner as though he were the owner of the patent. Furthermore, there are several other similar situations, and all of these should be dealt with at the same time. No one appeared at the hearings and, consequently, the committee did not have an opportunity to ascertain all the facts involved in the cases.

A proposal was made that the jurisdiction of the Mixed Claims Commission and the liability of Germany should be extended, and that the commission should be given power to enter awards, for example, for debts incurred after the termination of the war. It would seem hardly necessary to answer this proposal, for the liability of Germany is fixed by treaty and the jurisdiction of the Mixed Claims Commission is fixed by agreement. The United States acting alone has no power to change either the treaty or the agreement.

CONCLUSION

I know of no reason why the consideration of this bill by the Senate should require an undue amount of time. I hope that its early enactment will be forthcoming. As I stated above, except upon a very few provisions, there is practically unanimous agreement upon the bill by the members of the Finance Committee. All the private parties affected by the bill are agreed upon it. I hope that the Senate will proceed promptly with its consideration.

PROPOSED ENLARGEMENT OF THE NAVY

Mr. KING. Mr. President, we have before us an important measure involving the disposition of the property of Germans, Austrians, and Hungarians in the possession of the Alien Property Custodian and the adjustment of the claims of the United States and its nationals against Germany and its nationals and the Governments of Austria and Hungary and their nationals. The property to be returned aggregates in value several hundred million dollars, and the sum to be paid by the United States in the settlement will amount to tens of millions of dollars. But with a measure so important before us there appears to be but little interest in the Chamber. On the other side of the Chamber only four Senators appear. On the minority side the showing is slightly improved. Owing to the apparent unconcern in the bill I shall address myself to another matter no less important but which will doubtless excite no greater interest than the subject before us.

Mr. President, during the past few days I have received, and doubtless other Senators have received, telegrams and letters from various parts of the United States urging support of what is denominated "the President's naval program," whatever that may be. The American people have been flattered by militarists and navalists, and some have been whipped into a frenzy, until they seem to believe that the United States is on the eve of a mighty conflict that threatens its very existence. In my opinion, the premises of the militarists and navalists are wrong. Many of them occupy similar positions to those held

by the German militarists prior to the World War, and many of the arguments employed by the leaders of the former German Empire to support their military policies and demands for "preparedness" are urged in our own country to compel Congress to expend hundreds of millions annually in preparations for war.

In making this statement I am not opposing reasonable appropriations for the maintenance of our Army and Navy. I have upon various occasions advocated a naval plan that would give to the United States an adequate, modern, and up-to-date Navy.

I have opposed archaic plans of the Naval Board and condemned some of their reactionary policies. When the naval authorities insisted upon expending one and a half billion dollars to carry out the 1916 naval program I opposed it. The Naval Board fought for this plan and its execution in the face of the experiences and lessons of the war. To them the battleship was not only the foundation but the structure of the Navy. The submarine and airplane and the naval craft and naval weapons which the Great War demonstrated were essential to a modern navy, was accorded but insignificant place in the categories prepared by them of needed naval vessels.

As a member of the Senate Naval Committee I opposed the 1916 program, and insisted that any naval program that did not provide light cruisers, submarines, and airplanes was incomplete and inadequate. At the same time I urged that the United States should join with other nations in reducing armaments and setting up instrumentalities for the settlement of international disputes. It is my view that the United States has fallen short in its efforts to promote world peace and to bring about world disarmament. In the present situation our country, of course, must maintain an adequate Navy—one that is modern and properly balanced with reference to the types and categories of naval craft. For such a Navy I shall give my hearty support. To a military policy—a policy that ignores the high responsibilities resting upon this Nation of leading the world into the path of peace, of developing an international spirit of comity and, indeed, affection—I shall not give my support.

As I view the situation, the thoughts of mankind should be diverted from the channels of war and directed into the paths of peace. This Nation, because of its favored position geographically and otherwise, should lead the world in every movement to promote peace and prevent war. There are many persons, not only in the United States but throughout the world, who will be disappointed at the message which is being written by our country and at the character of greetings which it is sending forth to the peoples of the world.

During the past year there has been a remarkable repercussion of the militaristic spirit throughout the United States, largely as the result of propaganda, and in part due to the agitation of a small minority who seem to have learned nothing from the past, and are unconcerned at the thought of another war with all of its devastation, destruction, and sorrow. And yet the great masses of the people of the world do not want war but peace. They desire to live their lives in peace and to devote their energies to promote justice and freedom—political, economic, and religious. They regard war as race suicide, as the greatest tragedy that may afflict humanity.

The apostles of militarism and of so-called "preparedness" are clamorous, and with fanatical zeal carry forward their crusade in our own country. A vigorous campaign has been waged and is being carried on in favor of stupendous appropriations by Congress for military purposes. Efforts are made to excite the fears of the people that the United States is menaced by powerful foes, and that unless hundreds of millions are immediately expended for so-called military and naval defense, our country will be plunged into a titanic conflict.

Unfortunately there are those in every country who regard world peace as impossible, and who attempt to discredit all efforts looking to the development of an international spirit of amity and the removal of the causes of war. It is the view of many of this class that humanity is forever condemned to bear the chains of military bondage and to pour out its richest blood upon sanguinary battle fields. This is the mechanistic view of the world, and denies, in effect, the existence of an overruling Providence and the capacity of the children of men under the guidance of a divine power to attain the goal of world peace and unity under political and other organizations in which law and justice reign. A pessimistic view, and one not entirely accurate, in my view, is expressed by Mr. H. G. Wells in his "Foreword" to the recent book entitled "Peace or War," by Commander Kenworthy:

A huge majority of the people of the world think no more of the prevention of war than a warren of rabbits think about the suppression of shotguns and ferrets.

And the militaristic clique, appreciating that the great mass of mankind, absorbed as they are in the burdens of their daily toil, do not give sufficient thought to the formulation of ways and means to promote peace and end war, play upon their credulity, and attempt to lead them to believe that their lives and their countries are in danger, which can only be averted by withdrawing millions of men and women from industry, training them for war, and arming them with deadly weapons and poison gases for the destruction of millions of their fellow men.

Mr. Roosevelt, in a published essay during the World War, stated that the cause of war was fear, and that the chief reason for fear must be removed to prevent the awful tragedies of war.

Lord Grey, in his recent work, tells us that—

fear begets suspicion and distrust and evil imaginings of all sorts till each government feels that it would be criminal, and a betrayal of its own country not to take every precaution while every government regards every precaution of every other government as an evidence of hostile intent.

That there is an active propaganda in the United States, the result of which, if unchecked, must be to inflame the minds of many and lead to preparations upon the part of the United States which will arouse suspicions and provoke similar movements in other countries, must be evident to every person who possesses any knowledge of history and the psychology of peoples. That there is no occasion for a renaissance of militarism in the United States is apparent to those who appreciate the currents that carry humanity forward. This powerful Nation is menaced by no country. Unfortunately, the strident tones and the clamorous voices of a small minority in our country are carried beyond the seas and are calculated to arouse the fears and suspicions of peoples and governments desiring peace and who recognize the primacy of this Republic and would be willing to follow it in every reasonable plan in the interest of international fellowship.

President Coolidge, in his message to Congress a year ago, declared:

No threatening cloud at the present time darkens the sky.

And in his Trenton speech, December 29, 1926, he declared:

I do not believe that we can advance the policy of peace by returning to the policy of competitive armaments. * * * While I favor an adequate Army and Navy, I am opposed to any effort to militarize this Nation.

The President further stated in his message to Congress, December 7, 1927, that the proposed expenditure of six hundred and eighty millions for the next fiscal year for the Army and Navy provides the most adequate defensive force our country has ever supported in time of peace and that "as a whole our military policy is sufficient."

In passing, it is not improper to remark that appropriations so enormous for military expenses of the United States for 12 months only, and at a time when it is at peace with the world and there is no menace to its security, would be certain to excite some wonderment, if not ironic laughter, upon the part of persons in other lands. They would have difficulty in perceiving the sincerity of our protestations of peaceful intentions when expending for military purposes more than any nation in the world, and more than double the amount expended by Germany in any one year, even at a time when it is alleged she was preparing for a world conflict.

Judge Hughes, when Secretary of State, said that—

So far as we can see into the future, the United States is not in the slightest danger from aggression; in no single power and no possible combination of powers lies any menace to our security.

And Secretary Kellogg, in a message published in December, 1926, declared that—

One of the greatest obstacles to such understanding and sympathy (between nations) is brought about by competitive armaments on land and sea. History has shown that this competition is one of the conditions most pregnant in provoking fear, followed by armed hostility.

In the face of these declarations Congress has recently received the Budget estimates for the Army and the Navy, submitted by the President for the fiscal year 1929, calling for more than \$760,000,000 for the normal peace establishment of the United States. This does not include further expenditures which will be made and additional appeals calling for tens of millions of dollars which Congress will be asked to enact into law, nor does it provide for important repairs upon naval craft, and new construction which the Secretary of the Navy, with, presumably, the approval of the President, has asked Congress to authorize.

The Secretary has transmitted to Congress a bill to authorize the construction of 25 light cruisers, 9 destroyer leaders, 25 submarines, and 5 aircraft carriers. If this bill becomes law at this Congress it will constitute the Navy's 1928 building program. It does not include items for repairs and elevation of guns upon battleships and cruisers, and other important activities which will call for large appropriations. The Secretary informs Congress that the estimated cost of this proposed building program is merely "speculative," and but a rough "approximation" of the cost of each unit is submitted, from which it appears that the cruisers will cost \$425,000,000, the destroyer leaders \$45,000,000, the submarines \$160,000,000, and the aircraft carriers \$95,000,000. This "speculative approximation" of the Secretary is to proceed upon a base estimate of expenditures amounting to \$725,000,000.

This huge sum, as I have indicated, constitutes no part of the ordinary military expenses to which I have referred, amounting to more than \$760,000,000 for the fiscal year 1929.

When it is recalled that the appropriations for naval craft have always exceeded the estimated costs it is certain that this proposal involves an expenditure of more than \$1,000,000,000 for new naval construction.

When under the terms of the Washington conference treaties a limitation was placed upon capital-ship construction, there was great satisfaction and, may I add, great misunderstanding of its results. It was believed by many persons that naval costs would be materially reduced. But it is apparent from this new naval program submitted by the Secretary of the Navy that the gain in one direction is lost in other ways.

The modification of the 1910 program saved in battleships, but we are now too engulfed in an ocean of naval costs, arising from the building of other types of battleships.

An examination of the cost of completed war vessels authorized under the act of 1916 shows that the final cost was more than double the estimates submitted by the Navy. It is obvious that the execution of this program will demand further appropriations, so that the billion dollars required for the construction of these naval vessels will not be the only amount which will be required to be appropriated. Additional naval officers and seamen must be added to the already large personnel of the Navy.

An admiral recently stated that this naval program would require twenty-odd thousand additional seamen and nearly 2,000 additional naval officers. This will mean that a large sum be added to the figures which I have suggested to meet the annual ordinary expenses of the Navy.

Additional supplies and equipment costing tens of millions of dollars annually will be called for. It is safe to say that to meet this new construction, additional appropriations will be annually required aggregating more than \$50,000,000. The chairman of the Naval Affairs Committee of the Senate, in a recent speech, stated that at least \$60,000,000 annually must be appropriated for an indefinite period to meet the deterioration chargeable to obsolescence. That amount is in addition to the figures I have just submitted.

The life of naval craft is limited from 15 to 20 years. The present fleet, with its stupendous cost of between a billion and a half and \$2,000,000,000, will be obsolete within 20 years, which means, if the present militaristic spirit in the United States continues and the program of new construction recommended by the Secretary of the Navy is carried out, that the expenditure of at least \$11,000,000,000 by the Navy Department alone will be made within that period.

The Budget transmitted by the President to Congress on the 5th of December provides the estimates of appropriations for the next fiscal year. These estimates undoubtedly have the approval of the President. The amount provided for the Navy is \$362,167,020, and for the War Department \$398,823,143. Senators recall that only a day or two ago we passed an appropriation bill for new Army camps and buildings aggregating several million dollars; so that the amount recommended as the ordinary expenses will not cover many other appropriations, which will be made before we adjourn, for the maintenance of the Army. This means that more than \$760,000,000 is the estimate approved by the President for the ordinary expenses of the Army and Navy for the next fiscal year. It is certain that in these departments there will be deficiencies to be covered by further appropriations of at least \$50,000,000. The ordinary expenses, therefore, of our Military Establishment for the coming fiscal year will be more than \$800,000,000.

As above indicated, appropriations of many millions more will be made to meet new construction and the program submitted by the Secretary of the Navy. While we are at peace with the world, and should be making efforts to secure international limitation of armament, a budget providing a sum

so enormous for the Military Establishment of our country can not be defended.

It is pertinent to pause for a moment to compare this appropriation with expenditures by the Government in other years.

In 1880 the total expenditures of the Federal Government were \$338,865,031. Of that amount, the Army and the Navy combined received \$40,000,000. In 1890 the total expenditures of the Federal Government were \$395,430,284. In 1900, \$698,912,982. The Army received of this amount \$80,430,000 and the Navy \$48,099,969. In 1910 the total expenditures of the Federal Government were \$1,044,622,000. Of this amount, \$95,883,000 went for the maintenance of the Army and \$136,935,199 covered the expenditures of the Navy. In 1916 the total expenses of the Government were \$1,114,794,000, of which amount the Army received \$101,959,195 and the Navy \$149,661,864. During the World War, when the military forces of the United States numbered more than four and a half million men, the appropriations for the Army and Navy were very large. During the years from 1922 to 1928, inclusive, Congress has appropriated to meet the expenses of the Navy more than \$2,261,000,000 and for the maintenance of the Army more than \$2,440,000,000, or a total for military purposes of more than \$4,701,000,000.

That does not include the billions expended in pensions and by the Veterans' Bureau in meeting the various demands made upon it pursuant to legislation enacted since the close of the World War.

The Budget estimates for the next fiscal year reveal no reduction in the appropriations for either the Army or Navy, but, on the contrary, a larger amount than for the preceding year. It is certain that our military budget within the next two years, if the present policy prevails, will exceed \$1,000,000,000 for ordinary expenses. The officials of the Budget Bureau have, I believe, attempted to stem the great tide of departmental demands for Federal appropriations, and have sought to enforce greater economies in all branches of the Government. They deserve credit for what they have done, but they have been unable to bring the Federal Budget within reasonable and proper limitations. When we consider that in 1916 the total expenditures of the Federal Government were slightly in excess of a billion dollars, it is difficult to understand why the appropriations recommended by the President and the Budget Bureau for 1929 aggregate more than \$4,258,000,000. It is certain, however, that with the increasing demands made upon the Federal Government and the growth of bureaucracy and paternalism, the aggregate expenditures authorized by Congress for the next fiscal year will be approximately \$5,000,000,000.

Mr. President, there are evidences that confirm the view that this Congress will pass no tax reduction bill. Appropriations are too lavish, and if continued will leave an empty Treasury.

Let me add parenthetically that no greater service could be performed in behalf of the people of the United States by any individual or group of individuals than to awaken the people to the increasing demands for appropriations by the Federal Government and by States and by their political subdivisions. These demands often take the form of paternalistic and socialistic measures, and if unchecked will materially modify the structure of our Government and impose intolerable burdens of taxation upon the people.

The exactions of the Federal and State Governments for the next fiscal year will exceed, in my opinion, \$11,000,000,000, the greater part of which will be consumed in paying the salaries of the ever-increasing army of office holders in State and Nation.

We expended between 1884 and 1920 more than \$6,000,000,000 for our Navy. In all the wars of the world, from 1793 to 1860, the cost amounted to but \$9,243,000,000, and all the wars of the world, from 1861 to 1910, cost but \$14,000,000,000. Yet we have expended during the last seven years—years of peace—more than \$4,670,000,000 to maintain our Army and Navy. When Germany was at the zenith of her military power her entire appropriation for both army and navy did not exceed \$300,000,000 in any year. My recollection is that when Admiral Von Tirpitz was building the German Navy there was not expended for its maintenance and for construction to exceed \$111,000,000 in any single year.

In my opinion we can not justify our naval program or the enormous appropriations for military purposes. The appropriations for the present fiscal year provide for keeping in commission 500 vessels, 178 of which are assigned to shore activities, and also for the care of 344 vessels which are not manned and commissioned for active service. Many of these vessels in the last-named category, particularly destroyers, are seaworthy and could quickly be put into shape for active service. Our capital ships are more modern and are superior to those of Great Britain or any other country. President Coolidge, in his annual

message to Congress, December 7, 1926, stated that no navy in the world, with one exception approaches ours, and none surpasses it. Mr. Hector Bywater, one of the ablest naval critics, in an article appearing in the Baltimore Sun a year ago, declared that—

Taking all factors into consideration the American fleet is adjudged to be superior to the British fleet.

He also stated that—

Even in gun power the advantage is held to lie with the American fleet.

Our 18 capital ships, with a tonnage of 528,850, constitute a more effective fighting unit than Great Britain possesses. Seven of our capital ships were completed between 1918 and 1923, and are superior in construction, equipment, and in fighting strength and power to those of the British Navy.

We have in the Naval Establishment at this time 10 modern 7,500-ton cruisers which at their rated tonnage give 75,000 tons of vessels in this class. Each of these cruisers carries 6-inch guns and excels the best British cruisers in the rate of speed. In addition, the Navy has 22 cruisers of the second line, not all of which are in commission, with an aggregate tonnage of 50,000. This brings our present and authorized cruiser tonnage to more than 200,000. Congress has heretofore authorized the construction of eight 10,000-ton cruisers to mount 8-inch guns, which when completed will give us an additional 80,000 tons in modern cruisers. A number of these cruisers are in the course of construction and upon their completion our Navy will have 155,000 tons in modern cruisers.

The American delegates to the recent naval conference held at Geneva indicated that our Government was willing to consider a limitation on cruiser tonnage of 250,000 to 300,000 for the United States and the British Empire and from 150,000 to 180,000 for Japan. The Secretary of the Navy now proposes to add to our Naval Establishment 250,000 tons of cruisers, equal to the entire quota of tonnage submitted to the Geneva conference as the American minimum.

When it was indicated at the Geneva conference that the United States intended under this proposal to ultimately have twenty-five 10,000-ton cruisers in its quota of 250,000 tons, the British found the proposal unacceptable. And yet if the recommendation of the Secretary of the Navy be adopted, it means an ultimate cruiser tonnage of the United States of 455,000; and upon the assumption that the new cruisers, if authorized, will be of the 10,000-ton, 8-inch gun type, we will have 35 cruisers of this description in the Naval Establishment, whereas the proposal at Geneva was for not more than 25.

When the Washington treaty was entered into the United States had 13 cruisers and 9 gunboats now listed as cruisers. These vessels were from 3,000 to 16,000 tons and in speed were rated from 21 to 27 knots. Great Britain had 67 cruisers, only 10 being above 5,000 tons. Most of Great Britain's cruisers were old, some of them being constructed between 1900 and 1905. At least 24 have been withdrawn from service because of being obsolete.

Of those remaining in Great Britain's fleet, 34 are less than 5,000 tons, and of these 34, 13 are less than 4,000 tons. Great Britain has 4 cruisers of 9,500 tons carrying 7½-inch guns and 2 cruisers of 7,750 tons carrying 6½-inch guns.

This recommendation of the Secretary of the Navy will be regarded as a declaration to other nations that the United States is entering upon a competitive naval program. It will inevitably produce unfavorable reactions; it will arouse fear in many countries and create suspicion as to the course which the United States intends to take in its relations with other nations. That it will provoke nations now struggling with financial burdens to increase their armament, must be apparent to all. The consequences, so far as they relate to world peace, will be most unfortunate. This naval outburst upon the part of the Secretary of the Navy is greatly to be deplored.

Mr. H. G. Wells, in the "Foreword," to which I have referred, alludes to the gathering rivalry between the United States and Great Britain in naval arms and to the discussion of war between the two countries, and states that it is—

largely due to the stupid professionalism of experts in both countries.

May I add, in passing, that in my opinion the failure of the Geneva conference was largely due to the failure of the United States to have proposed for submission to the conference a definite plan or policy for further limitations of naval craft, and to the fact that naval forces and experts dominated or at least exercised too great an influence.

Continuing, Mr. Wells said:

Whether a war between United States and Great Britain is to be regarded as a tolerable possibility does not enter into the philosophy

of the naval monomanias on either side of the water. Their business is to make Britain "safe" from the United States and the United States "safe" from Britain, and they are quite capable of calculating upon Japan as an ally in such war.

Mr. President, I have before me a copy of the speech recently delivered by Admiral Plunkett. In my opinion, his speech does not deserve much commendation but condemnation. He said:

The penalty of national efficiency, either in commerce or in arms, is war.

If I read history aright, we are nearer war to-day than ever before, because we are pursuing a competitive trade policy and crowding other nations into the background. A policy of this kind inevitably leads to war. But if you don't want war, be a worm and crawl into the nearest hole in the ground. If we had been prepared for war in 1917, we never would have been dragged into it, and now we are paying \$26,000,000,000 on account of our stupid unpreparedness.

Mr. President, I have before me a volume which contains statements made by the military cabal, by professors, by generals, by statesmen in Germany prior to the World War, and they parallel the statements made by the militarists of the United States during the past year. There has been a propaganda, nation-wide in extent, carried on by high officials of the Government, by some officers of the Army and Navy, by various clubs and organizations in support of a policy that would require billions of dollars to be spent in military preparations during the next few years. Representations have been made that our country was practically without defense, that its security was menaced, and its life imperiled by warlike nations of the world, all of whom were enemies of the United States. Talk of this character was calculated to arouse the fears of many people and to stimulate them to activity in demanding large appropriations for so-called preparedness. I observe in the same paper carrying the speech of Admiral Plunkett an observation made at the same meeting by Congressman LAGUARDIA. It will be regarded by some as a sufficient answer to the militant speech of the naval officer.

Rome conquered the world and had the most perfect military machine in the universe, but it was confronted with a new philosophy laid down by the Carpenter of Nazareth and it crumbled and was crushed.

This statement the meeting applauded.

The speaker ridiculed the idea that the United States and Great Britain could be forced into war against each other, and he considered there was no danger from any other power.

If we embark on the proposed five-year naval building program there will be no further tax reduction, as you can't pull money out of the air.

Admiral Plunkett, when interrogated, confessed that he was referring to Great Britain as a nation with which the United States would soon be at war. Talk of that kind, Mr. President, I characterize as not only unwise but harmful to the United States and calculated to disturb its relations with other nations and to arouse their fears and resentments.

I have before me a copy of an article recently written by Mr. Frank H. Simonds, who is now in Europe, and whose knowledge of world conditions gives to his utterances a peculiar value.

I ask permission to insert as a part of my remarks excerpts from this article and another article written by him the following week.

The PRESIDING OFFICER (Mr. THOMAS in the chair). Without objection, it is so ordered.

The excerpts referred to are as follows:

[From the Washington Star, February 5, 1928]

EUROPE SEES AMERICA AS SEEKING WORLD RULE—CONTINENT PICTURED AS BELIEVING UNITED STATES DELIBERATELY PLANS CONQUEST—DEBT AND NAVAL POLICIES CITED

By Frank H. Simonds

GENEVA: "Uncle Sam, imperialist."

It was under this title that I found the familiar gentleman, whom we all accept as symbolical of our Nation, masquerading, when I first arrived in Europe more than five months ago. And it is as an imperialist, conscious, deliberate, and determined, that I have been forced to hear him described in many countries and by the representatives of many nations not only constantly but increasingly since that time.

From Moscow to London Europe is at the present time discussing American policy as the revelation of definite and matured purpose to obtain world hegemony. American ambition, interpreted in European comment, aims at no less than threefold mastery: We are "out" to combine financial domination of the universe with naval supremacy on the seven seas and political and even territorial control and expansion in both Americas.

What the United States is now doing, in Europe's mind, constitutes a strikingly close parallel to what Spain, France, and Germany tried to do in Europe, and what the British have been able to do on the seas and in distant continents in the past two centuries.

GOES BACK TO DEBTS

If one might summarize the European conclusion, it would be stated something like this: "America is the richest, the strongest, the most powerful country on this planet. Since the Roman Empire no nation has been comparably irresistible. But no country has possessed even a fraction of the power now in American hands without setting out to rule the world. The question is not whether America will make one more of the experiments in imperialism with which European history is filled, but how it will undertake it."

Europe, the American visitor will be told, first became aware of American imperialism, when, after repudiating the League of Nations and relapsing into traditional isolation, the United States promulgated its debt policy. No European will argue that his own country would have followed a different policy from the American. Even for him such a statement would seem too absurd. What he says is that we did what any European country would have done under the circumstances, and thus our motives must have been similar.

SCANS OWN NAVAL RECORD

Uncle Sam is, then, "out" for financial domination of the world. That assertion is, in a sense, old, since the indictment of "Uncle Sam" as Uncle Shylock has been going forward with a varying degree of intensity for several years. His appearance as the aspirant for sea supremacy is, by contrast, somewhat more recent. Nevertheless, the conception has been developing in Europe ever since the Washington conference of 1921-22.

RECENT NAVAL PARLEY

When President Coolidge called the naval conference which assembled in Geneva last summer the proceedings of that meeting, which were interpreted for the Continent by the British press, had the character of a demand for actual supremacy covered by an argument for specious parity. When, after the failure of the conference, we announced our program for naval expansion, its magnitude and proposed expenditure fairly took European breath away. Moreover, it was instantly accepted as the final demonstration that we were seeking naval supremacy, that he had been deliberately seeking it from the Washington conference onward, and that we were now going to realize our ambition.

The third major circumstance of what Europe regards as our imperialism is our alleged purpose to dominate the American continents.

To understand this phase of European thought it is essential to know that at all times the Kellogg-Briand conversations over the famous project to outlaw war were invariably bracketed in European press comment with our military operations in Nicaragua. Thus the American gesture, the proposal to expand the Briand formula into a general renunciation of war, was interpreted as a moral cloak for our military actions.

But far more important in European eyes were the reservations we sought to append to the specific arbitration pact with France, and particularly those reservations which concerned the Monroe doctrine. These, to the European mind, disclosed the deliberate purpose to reserve for ourselves without any possible limitation, beyond any conceivable interference, the whole South American and Central American region as the field for our territorial and economic imperialism.

[From the Washington Star, February 12, 1928]

EUROPE IS AWAKENING TO LEADERSHIP OF UNITED STATES—NATIONS ABROAD AIDED IN CONCLUSION BY HABANA CONFERENCE AND AMERICAN STAND OF INDIVIDUALITY

By Frank H. Simonds

GENEVA.—Not since the height of the resentment roused by the debt question, more than two years ago, has there been any such explosion of criticism of the United States as has accompanied the Pan American Conference at Habana. Why this meeting should have had any large importance for Europe it is difficult to see; nevertheless the European press seized upon it with something like general unanimity and used it as the opportunity to denounce the United States.

Actually the Habana affair came as a climax to the series of American incidents which have attracted general European attention. Within a single month we had proclaimed a naval program which, for Europe, was the promise of American supremacy; in our discussions with France over a treaty to outlaw war we had conducted an operation judged by Europe to be attack upon the League of Nations, which to the European mind was as dangerous as it was direct; finally, at Habana, we were—so Europe assumed—undertaking to demonstrate our hegemony in the three Americas.

HIT "NEW" MONROE DOCTRINE

As a result, all European journals turned suddenly to the discussion of the American phenomenon. What were we after and what, beyond all

else, was this Monroe doctrine of which we had so much to say? It had been, Paris newspapers solemnly explained, a proclamation designed to forbid European powers from conducting colonial enterprises in America, to prohibit the holy alliance from assisting in the reconquest of Spanish colonies. It was, then, a century ago a doctrine of America for the Americans.

But it was that no longer. On the contrary, as the United States now proclaimed it, the Monroe doctrine was a policy which operated to enable the United States, without European interference, to exploit and direct all three Americas. It was the wall by which we were seeking to shut Europe and the world out of South America. Our policy was not the old Monroe doctrine, "America for the Americans," but the new "All the Americas for the Yankees."

And what were we doing down there? Every important newspaper in Europe, in London as in Paris and in Rome, managed to set the news of the fighting coming from Nicaragua alongside the expressions of American idealism uttered by the President of the United States and echoed by the American press and public opinion.

HYPOCRISY CHARGED

Nicaragua, for Europe, was the sign that we intended to do in Central America what Great Britain, France, Germany, all the colonial powers, had done in Asia and in Africa. Our interferences in various directions, at Panama, in Haiti, in Nicaragua, were carefully collected into a statistical disclosure of American intentions. Our marines were going in to protect our dollars.

Inevitably, all American protestations of high purpose were regarded on this side of the Atlantic as hypocritical.

"We all have little Nicaraguas of our own," sneered the Morning Post in London.

"American imperialism is renewing in Latin America the achievements of French imperialism in Morocco and British in India," declared the Communist Humanite of Paris.

"The United States has two standards for the great principles of its democratic peace policy," observed the semi-official Temps, in an article which the London Times significantly reprinted, "according as it applies them universally or on the American Continent, where they are subservient to the hegemony it has already acquired there."

Equally definite were the charges that we were seeking to establish an American league of nations which should be a rival to the Geneva institution, but in which other member nations would be subservient to us. We were seeking in part to force, in part to persuade, the Latin American States, members of the Geneva body, to leave it. Like our attack upon the league in our Briand-Kellogg negotiations of a peace pact, the Habana episode was aimed at the League of Nations.

FEELS AMERICAN POWER

In the post-war years Europe has again and again been brought face to face with the negative consequences of our actions, our refusals to join the league, to accept European responsibilities. It has felt increasingly the power of our wealth. But what it has not even dreamed of is that along with the elements of power went the purpose to use them. Suddenly our naval program, the Briand-Kellogg discussions, the Habana conference, combined to reproduce something like a revolution in European conception.

Mr. KING. I shall trespass on the time of the Senate to read a paragraph from the last article apropos of the Habana conference of which we have heard so much and from which it is sincerely hoped great good will result.

Within a single month we had proclaimed a naval program which, for Europe, was the promise of American supremacy; in our discussions with France over a treaty to outlaw war we had conducted an operation judged by Europe to be an attack upon the League of Nations, dangerous as it was direct; finally, at Habana, we were—so Europe assumed—undertaking to demonstrate our hegemony in the three Americas.

Speaking of Europe, he said:

It has felt increasingly the power of our wealth. But what it has not even dreamed of is that along with the elements of power went the purpose to use them. Suddenly our naval program, the Briand-Kellogg discussions, the Habana conference, combined to reproduce something like a revolution in European conception.

Mr. President, if time permitted, I could present to the Senate the utterances of journalists and statesmen and persons of importance and repute in many countries of the world, in which they discuss the attitude of this Republic toward other nations and give their interpretations of our policies and purposes. There is a remarkable concurrence of view among these divergent groups. Generalizing, it may be said that the motives of the United States are questioned and fear is entertained as to the international course which this Republic will pursue.

A wise and just course will eradicate these apprehensions. We hold the keys that will unlock the hearts of the world. The United States can enter the sacred precincts of humanity's

affection. We must not throw away this great opportunity for service and leadership.

But I return to the thread of my remarks: In submarines we are superior to any other nation. At the present time in commission there are 3 fleet submarines, 43 submarines of the first line, and 29 of the second line, which means that we have 78 active submarines in the Naval Establishment. Three additional fleet submarines are in the course of construction, and there are 43 additional submarines out of commission but substantially as good as those in commission. But the Secretary of the Navy now asks for 32 additional submarines, to be constructed at a cost which he roughly estimates at \$160,000,000 but which will probably be \$200,000,000.

On November 16 of last year the new aircraft carrier *Saratoga* went into commission, and on December 14, the very day the Secretary gave his request for additional naval construction, the *Lexington*, the other modern aircraft carrier, went into commission. The ultimate cost of these two vessels has not been definitely determined, but an estimate made December 19 places the expenditures of the *Lexington* at \$39,953,881.61. This means that the two carriers will cost approximately \$80,000,000. It is quite likely that when they receive their complement aircraft and necessary auxiliaries, \$100,000,000 will be the cost to the Government.

Yet, in the face of these enormous figures and with the success of these airplane carriers largely a question of experimentation, the Secretary comes to Congress with the request for the construction of five more airplane carriers at a cost of \$19,000,000 each. Of course, the cost of these new carriers will not be \$95,000,000 but a sum greatly in excess of \$100,000,000, even though their cost would be less than 50 per cent of the cost of the *Lexington* and *Saratoga*.

Neither the security nor the prestige of the United States requires this latest display of naval extravagance. If progress is made in the limitation of armaments, it is necessary to limit cruiser tonnage to an aggregate which is entirely incompatible with the extravagant program submitted by the Secretary of the Navy.

It is frequently asserted that the Washington conference established a ratio of 5-5-3 for all naval vessels. This is, of course, incorrect. The conference dealt primarily with the capital ship, which by definition included all vessels of war having a displacement in excess of 10,000 tons and carrying a gun having a caliber in excess of 8 inches. This provision limiting naval armament by exclusion made the 10,000-ton cruiser, mounting 8-inch guns, the largest vessel of war which could be constructed outside of the limitations of the treaty. Vessels of this class were permitted without limitation as to number, which means without limitation as to aggregate tonnage. The British were ready to agree both to the 5-5-3 ratio and upon the aggregate tonnage for cruisers which should be above the 6,000-ton, 6-inch gun class, but otherwise excluded from the capital ship classification of the Washington treaty.

It would seem that the number of 10,000-ton, 8-inch gun cruisers which Great Britain requires as reasonably necessary for her protection and the protection of her dominions would be adequate for the United States. If this view had been adopted at the Geneva conference, the British might have proceeded to build such number of 6,000-ton, 6-inch gun cruisers as they required as their necessary complement, unstimulated by the competitive building of vessels of this class upon our part, for which, our naval authorities say, we have no special need.

These smaller cruisers are in no wise a menace to the United States. They can not operate at such a distance from their bases to get effective contact with our shores. Their construction ought to be curtailed in the interest of economy, but economic pressure for this purpose is much stronger in Great Britain than in the United States. It seems obvious that the proposals of the Secretary of the Navy laying down a program for additional naval construction are calculated, if not intended, to interfere with, and quite likely to interdict any progress toward an international agreement for the further limitation of naval armament.

Destroyers are important vessels in naval warfare. The United States has 276 vessels of this class, Great Britain but 169, and Japan 78. In addition our Naval Establishment possesses 17 destroyer leaders having a larger tonnage and speed than those of similar type in the naval establishments of other countries. A survey of our Naval Establishment supports the view indicated by the President that there is no superior navy in the world and perhaps but one which equals in fighting strength that of the United States.

Mr. President, there is nothing in the attitude of any country to justify this military hysteria which possesses some Americans. Whom have we to fear on this hemisphere? Between the United States and Canada there is the utmost good will.

The future will witness a growing regard and indeed affection between the peoples of the United States and Canada.

The republics to the south of us desire the good will and friendship of this Republic. There is no militarism on their part, and their expenditures for military purposes are scarcely sufficient for police protection.

May I digress, Mr. President, to remark that in the last Democratic platform, adopted in 1924, there was incorporated a plank, broad and comprehensive, dealing with our relations with the Latin-American Republics. I had the honor to write that plank. We referred to interests held in common between these countries and the United States, and declared the importance of maintaining the most cordial relations. One of Mr. Bryan's sentences—uttered several years before—was added to the platform declaration. The sentence was:

God has made us neighbors—justice shall keep us friends.

Our duty to the Latin-American States is to see that justice is done. God has made us neighbors; justice should bind us together, and strengthen the ties of friendship as the years and centuries pass.

There are some Americans who point to Japan as an enemy of the United States, and a naval power against which we must arm. I deplore these attacks upon a friendly nation. Japan's attitude toward the United States has been one of friendship and consideration. With her large population and limited resources, and her peculiar geographical position, it is not improper for Japan to adopt reasonable means for her security against possible difficulties with Russia and China. The economic disadvantages to which Japan is subject preclude her from becoming a great military power, even though she were disposed to assume that rôle. The Japanese desire peace and the good will of all nations. A year ago, when a naval program covering a period of four years was proposed, it was rejected, although it called for an appropriation of but \$147,000,000. A subsequent proposition was submitted by the Marine Minister calling for an expenditure of \$130,000,000, extending over a period of five years; 2 per cent to be expended the first year and less than 5 per cent the second year. If conditions were less chaotic in China and Russian policies less uncertain, Japan's military establishment would be reduced below its present limits.

At the recent Geneva conference Japan exhibited a desire for a further limitation of armaments, and her honorable and pacific course won for her the highest praise. So in the various conferences which have been held since the World War for the purpose of promoting peace and limiting and reducing armaments, Japan has taken a leading part. Her course has been for peace and not war, and her example has been worthy of emulation by other countries.

Mr. President, whom do we fear in Europe? Those who attempt to provoke controversies between the United States and Great Britain are enemies not only of their own country but of the world. It is inconceivable that there should be war between this Republic and the English-speaking people who live under the British flag.

The inhabitants of Germany entertain for the United States the most cordial feelings.

I recall, Mr. President, when the last tariff bill was under consideration there were many critical statements of Germany in this body. It was alleged that she was still militant and revengeful, and only waiting the hour when she could arise from the ashes of defeat and confound those with whom she had warred.

I did not entertain that view, and contended for a tariff policy that would encourage trade and commerce between the United States and Germany and strengthen the bonds of fellowship between these great democracies. Two and a half years ago I was in Germany and met President von Hindenburg and leaders of German thought. The views entertained by some when Von Hindenburg was elected that he would attempt to turn Germany into monarchical paths were not warranted. I found the President to be a man of peace. He was loyally supporting the Ebert constitution and trying to direct the course of the German Republic along the paths of honor and progress. We have nothing to fear from Germany. Germany seeks the friendship and the good will of the American people.

We should seek every opportunity to extend the hand of fellowship to the German people. There are millions of American citizens of German ancestry. They have contributed to the material and spiritual development of the United States. There can be no further misunderstandings between these two great Nations.

The German people are devoting themselves to the rehabilitation of their country. They have given every evidence of their peaceful intentions and their desire to win the regard of all

nations. There is no will to war in Germany, but on the contrary the ways of peace are being followed.

Neither France nor Italy is a menace to the United States. The people of those countries are the friends of this Republic. We need have no fear of Russia or of bolshevism. Slowly and painfully the Russian people are emerging from the dark night of bolshevism. The great mass of Russian people desire the friendship of the United States. They wish contacts with the world. They want and they need the help of the United States and other countries in order that Russia may be put upon the highway of progress and prosperity. In my opinion it is to be regretted that the proposition for disarmament made by Litvinoff, speaking for the Soviet Government, has been treated with so little consideration. Concede it to have been a gesture; in my opinion it represented the view of the overwhelming majority of the Russian people. They suffered during the World War and their lives since then have been a constant tragedy. They desire peace and relief from the unhappy conditions under which they live.

Mr. President, is it not time for the people of the United States to take the lead in bringing peace on earth and good will among men? Our financial power in the world is recognized. America should wear the crown of moral leadership. The great World War should have taught us, as well as other nations, the folly of war and the futility of great military operations. Nations that prepare for war usually have war.

In a little over four years of war more than 7,146,000 of the flower of the allied nations gave their lives on battle fields; more than 12,000,000 were wounded, and more than 4,600,000 were missing. Germany and her allies lost more than 4,650,000 killed, and those who were wounded numbered more than 8,500,000. It is impossible to compute the direct losses measured in money; and the indirect losses can not be comprehended.

The expenses of the war and the property loss have been estimated at between three and four hundred billion dollars; and still war is a "legal institution" and the world is oppressed with demands to maintain armies and military establishments and construct mighty navies, realizing, as we must, that they will not prevent war, but, indeed, will be quite likely to provoke war. During the past seven years the United States has pursued a cynical attitude towards all efforts to promote world peace. We refused to join the League of Nations or become a member of the World Court or participate in the conferences of the league, where efforts have been made and are being made to devise some practical plan of limiting military armament and removing the causes of war.

I repeat, the material strength and financial resources of the United States demand that it assume the responsibility of world leadership to outlaw war and bring international good will. Our disclaimers of any desire for conquest will not be sufficient. The need of world leadership was never so great.

I recall a statement recently made by a great British statesman, Ramsay MacDonald. He said, "What the world needs to-day more than anything else is a political Shakespeare," meaning by that, as I interpreted his speech, that we needed some one who could understand human nature and the causes that move humanity, a man who had vision, a prophet—not the narrow-minded nationalist who wraps bunting about him and declares that he is a 100 per cent Britisher or a 100 per cent American.

Labor in all parts of the world is more united in demanding world peace than ever before. There is a feeling that men may no longer be led to the shambles or caused to die upon the battle field at the whim and caprice of an autocrat or to satisfy the ambition of the wicked and imperialistic desires of a military cabal or an oligarchy of wealth.

The benignant spirit of municipal law and its happy consequences can be imported into international relations, and there can be developed a spirit of international fellowship and good will and an international code of laws which will remove the causes of war and produce a higher standard of civilization.

If we persist in our propaganda for a big Navy, and deprecate all efforts to establish tribunals for the settlement of international disputes, there will be developed a spirit and habits which will constitute impediments to world peace. The fate of this Nation as well as other nations rests upon the character of the people; and character results from many processes. Spencer declared that institutions are dependent upon character, and, however changed in their superficial aspects, can not be changed in their essential nature faster than character changes. If statesmen, publicists, writers, and teachers talk of war and preparation for war, and great armies and mighty navies, and declare that our country is in danger at the hands of other nations, the minds of the people will respond, and the institutions of the country, domestic and national, made to conform to those mental pictures.

Thomas Paine taught that—

An army of principles will penetrate where an army of soldiers can not; it will succeed where diplomatic management would fail; it is neither the Rhine, the Channel, nor the ocean that can arrest its progress; it will march on the horizon of the world and will conquer.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Friday, February 17, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 16, 1928

UNITED STATES COAST GUARD

Lieut. Commander (Engineering) Lucien J. Ker to be a commander (engineering) in the Coast Guard of the United States, to rank as such from December 18, 1927, in place of Commander Robert B. Adams, promoted. This officer has passed the examinations required for the promotion for which he is recommended.

APPOINTMENT IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenant

First Lieut. Stuart Absalom Cameron, Medical Corps Reserve, with rank from February 11, 1928.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Julien Edmond Gaujot, Cavalry, from February 14, 1928.

To be lieutenant colonel

Maj. George R. Allin, Field Artillery, from February 14, 1928.

To be majors

Capt. William Hampton Crom, Air Corps, from February 11, 1928.

Capt. George Rainsford Fairbanks Cornish, Infantry, from February 14, 1928.

To be captains

First Lieut. James Fairbank Smith, Chemical Warfare Service, from February 9, 1928.

First Lieut. John Reigel Embich, Chemical Warfare Service, from February 11, 1928.

First Lieut. Fred William Koester, Cavalry, from February 14, 1928.

To be first lieutenants

Second Lieut. Raymond Stone, jr., Coast Artillery Corps, from February 9, 1928.

Second Lieut. John Joseph Binns, Field Artillery, from February 11, 1928.

Second Lieut. Walter Burnside, Cavalry, from February 14, 1928.

Second Lieut. James Francis Joseph Early, Air Corps, from February 14, 1928.

Second Lieut. Howard John Vandersluis, Coast Artillery Corps, from February 15, 1928.

MEDICAL ADMINISTRATIVE CORPS

To be captain

First Lieut. Amos Stanhope Kinzer, Medical Administrative Corps, from February 13, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 16, 1928

UNITED STATES DISTRICT ATTORNEY

Charles Joseph Riley to be district attorney, Canal Zone.

UNITED STATES DISTRICT JUDGE

Warren B. Burrows to be United States district judge, district of Connecticut.

POSTMASTERS
CALIFORNIA

Maude Cunningham, Goleta.
Joseph A. Wilson, Manteca.

COLORADO

Carl A. Erickson, Monte Vista.

IDAHO

Elmer H. Snyder, Filer.
Allan H. Smith, Roselake.

IOWA

George F. Mitchell, Coin.
Elizabeth O'Reilly, New Albin.
Clarence C. Stoner, Nora Springs.

KENTUCKY

Lora V. Combs, Hardburly.

NEW JERSEY

Ellen E. Showell, Absecon.
Mary E. Cubberley, Hamilton Square.
Elizabeth D. McGarrey, Laurel Springs.
Edward C. Francois, Union City.

NORTH CAROLINA

Anna W. McMinn, Pinebluff.

OKLAHOMA

Roy Patton, Ames.
Frank A. Smith, Byars.
Arthur D. Hartley, Cardin.
Laura M. Hopkins, Woodward.

PENNSYLVANIA

Robert P. Habgood, Bradford.

WEST VIRGINIA

Emerson E. Deitz, Richwood.

HOUSE OF REPRESENTATIVES

THURSDAY, February 16, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

God of yesterday, to-day, and forever, we know that Thy mercy underlies the spacious earth around. The divine life in humanity is the supreme test that we may rise above our present limitations. As the problems of government are with us, help us to solve them with patience, gentleness, and brotherly love. Let our moderation be known among all men, desisting from self-praise, self-glorification, and invidious comparisons. Spare us from becoming a torment of our own ambitions and a prey of our own untamable desires. Guide us, for we are needy; help us, for we are weak; deliver us, for the way is uncertain; and save us lest we fall. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the House of the following titles:

H. R. 278. An act to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926;

H. R. 3926. An act for the relief of Joseph Jameson;

H. R. 6487. An act authorizing the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 7009. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7916. An act authorizing the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind.; and

H. R. 9186. An act authorizing the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a toll bridge across the Ohio River at or near Sistersville, Tyler County, W. Va.

ADDRESS OF HON. EDWARD E. ESICK, OF TENNESSEE

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to print in the RECORD a very interesting address by my colleague,

Mr. ESICK, delivered over the radio February 15. It is an able address and should be read with pleasure and profit by everyone.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. BYRNS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

THE AGRICULTURAL SITUATION

I am to talk for a few minutes on the agricultural situation. January, 1921, saw fewer mortgages on farm lands in the United States than at any time within half a century. All products during and following the war brought high prices. Really, all kinds of business in the United States was financially in good condition when the collapse came in 1920.

There is an old adage, "Money talks." If this be true, the farmers of the country and money have not been on speaking terms since 1920. Whose fault is this? Recently a large landowner and wheat grower from Kansas, testifying before the Interstate Commerce Commission, said: "We have some good farmers, but we have a lot of poor ones. Most of these unsuccessful ones buy automobiles on the installment plan before they get their crops harvested. Any lack of success they have is due to laziness, shiftlessness, and improvidence. On my own farm I do everything with machinery and tractors. I have not a single horse or mule on the place."

The average farmer of the country is not able to have the latest improved machinery. Nor can the average farmer of the country produce his crop without horse stock. No more can a dairy be operated without cows than a cotton farmer cultivate his crop without mules. This utterance is a slander on the farmers of America!

The answer to this statement is, that only 4 per cent of the farmers of the world live in America. Yet this 4 per cent of the world's farmers produce 7 per cent of the world's corn, 60 per cent of its cotton, 50 per cent of its tobacco, 25 per cent of its oats, 20 per cent of its wheat, 15 per cent of its barley, and 11 per cent of the world's potatoes. Of the seven articles most needed and used by man the 4 per cent of American farmers produce nearly 36 per cent of the world's output. Branded as lazy and shiftless, the American farmer on an average produces nine times as much as the average world farmer.

The American farmer is not shiftless and lazy. He produces too much. The issue now is to keep from producing a surplus and, if produced, to prevent it from controlling the price of the balance of his crops. We will always have the question of surplus and how to dispose of it at fair prices. There are 970,000,000 acres of land in the United States subject to cultivation, yet in 1926 only 328,000,000 acres of these lands were under cultivation. At the present rate of productivity, if all of our land subject to cultivation was producing, this country alone could almost feed and clothe the teeming millions of the world.

The financial journals tell us that 1926 and 1927 were the most prosperous peace-time years our country has known. That our earning capacity has been greater and wealth has accumulated faster than at any other peace time in our history. Nearly one-third of our population is agricultural. The gross income of our country last year was nearly \$95,000,000,000. Yet the agricultural population—one-third in numbers—received only 10 per cent of this income. From Crops and Markets, July, 1927, a Government publication, it is stated that between January 1, 1921, and January 1, 1927, agricultural invested capital declined \$15,000,000,000, while the corporate wealth of America increased \$35,000,000,000. Agricultural invested wealth in 1926 and 1927 earned only 3½ per cent each year. Invested corporate wealth earned 13 per cent yearly. The earnings of the farmer were on the reduced investment. The earnings of corporate wealth were on increased values.

That I may give you the real picture of the farmer's condition, I want to borrow from the speech of the Hon. JAMES W. COLLIER, of Mississippi, one of the ablest and most conservative of southern Representatives. In the House he recently said the flood "interrupted over 3,000 miles of railroad transportation, flooded over 12,000,000 acres of land in 174 counties in 7 States." As to the ability of this great farming section to bear its part of rehabilitation, he said: "There is \$770,000,000 invested in mortgages on land and in bonds, and \$45,000,000 is still outstanding of levee bonds. Now its assessed valuation so bonded and so mortgaged aggregates \$815,000,000." The picture is black. The land in 174 counties in 7 States mortgaged and encumbered to its full assessed value. The world has no finer lands than the great Mississippi Valley—rich as the Valley of the Nile.

I do not believe that the farmer has been intentionally destroyed by other lines of business and industry, because he is the producer of the two things that all peoples must have—food and clothing. On the other hand, he is the greatest consumer of the products of other lines of industry and trade of any single class in the country. The farm body is large—more than 7,000,000 farmers engaged in the different kinds of agriculture. It is impossible to organize all of them in co-

operation so as to control production and marketing. Industry, generally speaking, is constituted of much smaller bodies. They can and do organize for self-protection. Groups of industry have interlinking interests. They help each other for mutual safety and protection. Always the purpose is to make more money. In the end the combination puts the strangle hold upon the unorganized farmer, who is unable to protect himself.

That the farmer has asked aid through legislation is of recent origin. Seven years ago the corn farmers of the West began the agitation for Federal farm relief. From bad crops and low prices this demand extended to the wheat producers of the West; then to the livestock people; and finally when the cotton farmer was upon his knees and his crop was bringing 60 per cent of the cost of production, he, too, joined hands with his unfortunate brethren and turned his face toward Washington and asked that the cotton interests should be cared for.

We are told that farm relief legislation is impossible. We are further told that the farmer can not be benefited by legislation. Nearly all lines of industry have been taken care of by legislation. The manufacturer has his subsidy in the form of a tariff. Labor has increased its wages through the naturalization laws. The corporate wealth of the land engaged in interstate commerce is permitted to charge a rate sufficient to make reasonable earning on its invested capital; when this is denied by the Interstate Commerce Commission they go to the Federal courts, and almost invariably relief is granted. The effect is, business engaged in interstate commerce is guaranteed a fair return on the investment. The same rule applies to intrastate business through the public utilities commissions. Banks throughout the land, both State and Federal, are permitted to charge a rate sufficient to make a fair return on their capital. And so on throughout the entire lines of business, enterprise, and trade. But the farmer has no guaranty. He is advised to labor and to wait. And he is still laboring to get out of the ditch—patiently waiting. When he makes a demand, it is branded as economically unsound and unconstitutional. From the great business interests of the land, entrenched and protected by favored and unfair legislation, every piece of progressive legislation is assailed as unsafe, unsound, and unconstitutional. Monopoly invokes the Constitution as the gullotine to behead and destroy all progressive legislation.

For one, I do not believe that prosperity can be restored to the farmer by a single act of Congress. But there must be a beginning, and it should be in good faith to better the farmer's condition. I was the first from my State, and, in fact, one of the first southern Representatives, to declare for the McNary-Haugen bill in the first session of the Sixty-ninth Congress. I did not think and do not now believe that this bill would give complete relief to agriculture. But it is the best bill offered, with a chance of passage.

It is in the right direction. I am willing to try it and, by experience, perfect it. If I could write the farm relief bill, it would differ from all the bills before the House committee. My thought is to reduce the tariff one-half on the things, and the material which goes into the things, the farmers use. I would materially reduce the transportation charges on his products. Then I would back cooperative marketing with enough of the public funds to establish cooperation between the producer and the consumer, where supply would meet demand at a fair price with a reasonable profit to the producer. The difference in price from producer to consumer is too great. The article which brings \$1 to the producer is delivered to the kitchen door of the consumer at \$3.

Farm legislation was defeated in the first session of the Sixty-ninth Congress. The McNary-Haugen bill was passed in the last session of that Congress and vetoed by the President. He assigned many reasons for the veto. Unconstitutionality of the equalization fee was stressed. Farm relief is knocking again at the door of Congress. Many views are expressed at the hearings before the Agriculture Committee of the House. The West and South are agreed that farm relief is badly needed. But there is a great diversity of opinion as to the kind of legislation needed. One line of thought is for cooperative marketing financed by and under Government control. Another is the debenture plan, the payment upon exports rather than the tariff as the yardstick. But the real struggle is over the McNary-Haugen bill. Practically all the objections raised to this measure by the President have been taken from the present bill. The debatable issue now is the McNary-Haugen bill, with or without the equalization fee. What the result will be no one knows. I believe that if the McNary-Haugen bill is reported to the House, either with or without the equalization fee, it will pass. If with the equalization fee it will meet a veto at the hands of the President, if he is to remain consistent.

The Farm Bureau Federation and almost all allied and kindred farm organizations are demanding the passage of this bill with the equalization fee. And at the present time my information is that the Agricultural Committee is favorable to the equalization fee.

I can not get what I want in the way of a farm bill. I believe the farmers are entitled to relief. I shall support the best measure offered which has a chance of passage—the McNary-Haugen bill, if reported to the House. Legislation is never what any one Congressman or Senator wants. It is the result of discussion, concession, and

compromise. Any farm bill which shall meet the approval of the two Houses—the Senate and the House—must be one of compromise, representing the consensus of opinion chiefly of Representatives and Senators from agricultural sections—the West, Middle West, and South. If the President vetoes the bill, I do not believe it can be passed over his veto.

Whatever else that may be said, the fight is on for relief legislation for agriculture. It is here to stay until it obtains. If this Congress denies the farmer relief, he will be back here at the next Congress, and the battle will continue until his rights are recognized and he is placed upon the same basis as other business and industry. This great class of our citizenship asks no advantage. They demand a fair deal and an equal opportunity. These are the basic rights of every business man. They are now denied to the farmer. No issue is ever settled until it is settled right. The man, the indispensable man, whose labor produces the food and clothing of mankind, is in distress. He is appealing to Congress not for favors but for fairness—that equal and exact justice may be done him. He asks nothing more. He will be satisfied with nothing less.

PERSONAL EXPLANATION

Mr. EATON. Mr. Speaker, I ask unanimous consent to make a personal statement for one minute.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to address the House for one minute. Is there objection?

Mr. EATON. Mr. Speaker, last evening I had the distinguished honor of addressing the Electrical League in this city, and this morning the Washington Post does me the honor or dishonor to print scare headlines as follows:

Congress power critics brutes, EATON asserts.

I wish simply to say that I never used the word, thought of it, or was within a thousand miles of it in connection with power critics or anyone else.

I am opposed to any form of political investigation of the power industry or any other industry in this country, but I am in favor of any necessary investigation that is designed to build up and strengthen the power business, which constitutes the keystone in our industrial structure and that will advance our general industrial and economic prosperity.

I made the speech and expressed myself, as I thought, clearly. I have had some experience in the use of words and I decline to be held responsible for any moronic misinterpretation made by others. [Laughter and applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. EATON. No; I have yielded too much already. [Laughter.]

MIDDLE RIO GRANDE CONSERVANCY DISTRICT AND THE PUEBLO INDIANS

The SPEAKER. The Chair will recognize the gentleman from New Mexico under a special order for 15 minutes.

Mr. MORROW. Mr. Speaker, I listened very attentively to the remarks of the chairman of the subcommittee of the Appropriations Committee which he delivered in this House yesterday relative to the passage of the bill (S. 700) which was substituted by me in this body for House bill 70, and amended by the gentleman from Michigan [Mr. CRAMTON], concerning which there has been much discussion on the outside as to the merits of that legislation.

I want to say in the beginning that I believe the gentleman from Michigan is a firm friend of the Indians, with a desire to legislate in behalf of their development.

The legislation had its beginning in my State in order that one of the most important valleys in the State might be developed and reclaimed. New Mexico, or, as the gentleman from Texas [Mr. BLANTON] has frequently said, "little old New Mexico," is old and is new in its development. This legislation brings us back to the commencement of irrigation in that section of the United States. Irrigation began there not 100 years ago, but perhaps 1,000 or 2,000 years ago. Pueblo Indian lands, now included in this conservancy plan, have been indifferently irrigated for centuries. When the Spaniards first came into this section in 1535 they found the Indians irrigating their lands. History, taken from the archives of Mexico and of Spain, substantiate this statement. The Spaniards came into the State in 1541 and made a settlement therein in 1582. They learned from the Pueblo Indians the method of irrigation. We may safely say that the Pueblo Indians were the first irrigators of lands in the United States.

Both the Indians and the Spaniards had irrigated in this Rio Grande Valley through a series of years running back into the centuries. At one time the amount irrigated was estimated to be as high as 125,000 acres of land, including 8,346 acres of

Indian pueblo land. The land has become water-logged, alkaline, and requires drainage. The city of Albuquerque, which is the largest city in the State of New Mexico, and situated in what is known as the middle Rio Grande Valley, in order to reclaim this land formed a conservancy district under the laws of the State of New Mexico and patterned same after the conservancy districts that are now successfully operated in other portions of the United States. They did not come to the Reclamation Bureau or to Congress for funds to carry on their project, but they included in that conservancy district not only the town or city of Albuquerque but also the land up and down the valley, three other important towns, and several minor villages. In all, there are 210,000 acres of land within the district, of which 129,000 acres are to be drained and reclaimed. Included within this land are six Indian pueblos, with their parcels of irrigated land, interspersing white lands.

In order to reclaim and build their drainage canals it is necessary that these canals shall run through the Indian lands, and the Indian lands will be reclaimed thereby. The Indian lands, as I stated, have become water-logged, and the alkaline water has risen to the surface. The production upon these lands is not 25 per cent of normal production. The water-logged condition exists on all the acreage, including the original 8,346 acres of Indian land. The officers of the district came back to the Government, and through the Indian Bureau asked cooperation so that the Indian lands can be included in the plan of flood control and irrigation. A bill was passed in the last session of Congress appropriating \$50,000 as the Government's share to survey the Indian lands under the supervision and control of the Indian Department of the Government. The district itself spent something like \$300,000. It was found feasible to include the Indian lands. The district has fully complied with the law. Then, when the engineers' reports were made and found satisfactory, the district, through its representatives, came back to this Congress asking that legislation be passed to include the Indian lands, and that the Government through Congress advance, under its regulations and under contracts to be entered into by the department, the Indian proportionate part of the cost to reclaim said Indian land. The bill as presented was the outcome of the plan for legislation. It was not prepared by the Member of Congress on this side. It was not prepared by the Senator from New Mexico on the other side. It was prepared by the Indian Bureau, through its legal department, in conjunction with the officials of the conservancy district. This legislation proposed was brought to the Subcommittee on Appropriations, of which the gentleman from Michigan [Mr. CRAMTON] is chairman. I appeared before that committee. The Senator who introduced the legislation on the other side appeared. The bill was read, thoroughly discussed, every feature therein. It was the purpose of the Assistant Commissioner of Indian Affairs that there should be a gratuity of \$500,000 in that bill. The bill as prepared contained that feature. After a discussion in that body a member of that committee from a western State, who has had great experience in Indian affairs, and who tries to protect the Government and at the same time protect the Indians, said, "You people have a gratuity in this bill." All the members of the committee recognized that fact, that there was a gratuity of \$500,000 in the bill. The gentleman from Michigan [Mr. CRAMTON] and his committee made their position absolutely plain to Mr. Meritt, to the conservancy district officers, and to everyone present that Congress does not recognize, and had not recognized in any legislation for a period of years, a gratuity in legislation for the Indians, but had placed therein a reimbursable feature.

The bill was presented to the Indian Affairs Committees of the House and of the Senate and thoroughly discussed, but Mr. Meritt, Assistant Commissioner of Indian Affairs, still maintained the position that these Pueblo Indians are honest, faithful, moral Indians, and have not received any large funds from the Government, and that this gratuity should be allowed them. Every member of the committee, as I remember, including the chairman, the gentleman from Michigan, expressed his views. The gentleman from Michigan [Mr. CRAMTON] read his bill, and some of the members of that committee indorsed his position. When the bill was reported out from the House committee it was reported with the gratuity feature, and in that shape it came before you. It was reported out in the Senate in the same manner.

I recognized the fact that the gentleman from Michigan would offer upon the floor the amendment that was presented, and I want to say to you, as a friend of the Indians, as a citizen of New Mexico, representing that entire State in this body, that there never was fairer legislation than the legislation proposed by the amendment offered by the gentleman from Michigan for the Indians of my State. [Applause.]

Now, Members of the House, I will go further. In a conference held with Mr. Meritt, the Assistant Commissioner of Indian Affairs, the question was put to him, "Do you regard this bill with the amendment as fair to the Indians?" He replied, "There has not been a fairer piece of legislation in behalf of the Indians presented to the Congress of the United States within a period of 20 years." He was further asked, "Do you believe the reimbursable feature should be in there covering the part of the money advanced by the Government or that it be a gratuity given the Indians?" He said, "Since 1913 your Appropriations Committee of the House have put in the reimbursable feature in legislation of this kind."

Mr. Speaker, the attack that has been made on the legislation embraced in the amendments has been inspired by one John Collier, whom the gentleman from Michigan so aptly described yesterday. Only one purpose has prompted the attack—the question of notoriety, the question of publicity—so that the people who are putting up the funds to sustain Mr. Collier in a position to further create agitation among the Indians may continue to contribute to such funds.

Lawyers out in my State representing Indian societies have been telegraphing back here that the legislation is not proper and is not in behalf of the Indians. One of those lawyers is an upright honorable man, but he has a misconception of the action taken.

Referring back to the legislation and the bill as presented to your body upon the consent day. The bill was passed to include the amendment offered as a substitute by the gentleman from Michigan; I knew before the same was offered that the gentleman from Michigan was going to offer amendments. I had conferred with him, and his amendments were quite satisfactory to me. I thought they were right and proper and that they should be in the bill, and that the bill as so amended should be enacted. I have learned that on consent day you had better not get on the floor and talk about your bill. If your committee has acted upon it and you have a favorable report, you had better let your bill pass without any debate, because there are always present those who are ready to object and who are ready to discuss, and there are those also who are interested in other bills that follow yours on the calendar. They become anxious, and if there is much discussion they are likely to call for the regular order, which is tantamount to an objection, and the result is that your legislation fails.

This legislation is absolutely vital to my State. The climatic conditions out there are very favorable to agriculture, by irrigation, inferior to none in the United States. They can raise five crops of alfalfa in a year. There are 200 growing days each year, and they can produce all kinds of fruits and vegetables. They can raise sugar beets. The 8,346 acres of irrigated Indian land that came with the Indians to the United States under the treaty of Guadalupe Hidalgo remain to-day, as the gentleman from Michigan said, protected with a prior water right, and it will not cost the Indians one dollar to have that land reclaimed. The result will be that it will change the value of that land, which is now worth perhaps not to exceed \$25 to \$30 an acre, into land worth \$150 or \$200 per acre. But this bill and the action of this House included also the reclamation and irrigation of 15,000 acres of new land; land that had never been touched; that had never been plowed. That land is practically commons to-day, used for grazing, and the grazing fee is practically nothing, perhaps 3 to 5 cents per acre. The value of that land to-day does not exceed \$5 or \$10 per acre at the most.

The SPEAKER. The time of the gentleman from New Mexico has expired.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for an additional 10 minutes. I am sure the House is very much interested in the statement the gentleman is making.

The SPEAKER. Is there objection?

There was no objection.

Mr. MORROW. These 15,000 acres will at once receive a value under reclamation of from \$150 to \$200 per acre. The original bill, S. 700, carried a charge of \$67.50 per acre against the 15,000 acres of land and the gratuity of \$500,000. The amendment of the gentleman from Michigan provides that the 8,346 acres that the Indians had occupied and used and irrigated for centuries, which had become practically useless, should not be included in any lien, should be exempted from lien for all time, but that the 15,000 acres of new land to be developed and to be reclaimed should bear a reimbursable charge; this land to be leased and the lease money paid to the Government at some time in the distant future. Is there anything unjust in that?

There are 3,500 Indians, including men, women, and children in these six pueblos. There are only about 700 heads of

families. They have 8,346 acres of land, and divided among the heads of families it will give 11.8 acres of irrigated land without any lien to each head of a family. I attended a conference of the Reclamation Committee this morning and they were discussing how much acreage should go to a family under a reclamation project. It was suggested that it depended upon the ability of the family, and would run from 10 to 20 and 40 acres, but not to exceed 80 acres in a unit.

Another thing that presented itself in the circular sent out by Mr. Collier was that three of these pueblos have not sufficient irrigated land upon which to make a living. Mr. Speaker, the Indian Bureau is the guardian of the Indians. If those Indians need additional land they will be the ones to receive first recognition in so far as the newly reclaimed land is concerned. It was represented by Mr. Collier that the Indian Defense Association, which he represents, desired that the new lands be exempted, where cultivated by the Indians, from any charge whatsoever. The Indian Bureau of the Government through its agency can lease the land needed at a nominal price of say \$1 or \$2 per acre, which it will gladly do, if conditions so require, taking from them no rights whatever.

There is absolutely no radical change in the legislation passed by the House other than with respect to the \$500,000 gratuity to the Indians, and the Indians themselves were not clamoring for that. They were satisfied with the legislation, but certain people started to lobby, as the gentleman from Michigan said, and put out certain reports, and then wanted all this land absolutely free.

The gentleman who is lobbying on the outside presented this statement to me. He said:

Why change, in dealing with these Pueblo Indians, from the fact that this Government heretofore has never made a charge or made it reimbursable until this legislation?

That is absolutely not true, as the records of this body will disclose.

Now, Members of the House, in conclusion I want to say that the committee visited my State this year, led by the gentleman from Michigan [Mr. Cramton] as the chairman. They visited every Indian pueblo that they could reach within the time. We have in the State of New Mexico to-day two schools, one at Albuquerque, with 850 Pueblo children, bright, active, intelligent children; in fact, I believe it is one of the best Indian schools in the United States, at least in the Southwest. In the Indian school at Santa Fe we have 450 Indian pupils. Both of these schools were well taken care of in the funds provided in the Interior Department appropriation bill. Besides those two boarding schools we have other day schools. The committee was sincere in their work in New Mexico in behalf of the Indians. Each member of that committee, as I understand, indorses the position of the gentleman from Michigan. That position, I understand, is the position of your Appropriations Committee, and I, as the Member from New Mexico, say to you Members here that I stand squarely with them for honest, fair, and just legislation in behalf of the Indians, and for honest, fair, and just legislation which will permit my State to go forward, and carry along in this conservancy district the Indians whom Congress has declared citizens, and whom we should bring as soon as possible into the affairs of this Government, and deal with them in the States alone and not in the National Government. [Applause.]

DAWES AND HOOVER

Mr. HOWARD of Nebraska. Mr. Speaker, may I speak for about 15 minutes?

The SPEAKER. The gentleman from Nebraska asks unanimous consent to speak for about 15 minutes. Is there objection?

Mr. CLARKE. Is that the subject or the time limitation?

The SPEAKER. Is there objection?

There was no objection.

Mr. HOWARD of Nebraska. Mr. Speaker, the time was when the duties of a Member of the Congress were wholly congressional. So many new duties have been thrust upon a Congressman now that I want to talk just a little bit on that subject. You know, and most Members probably do know, that a Congressman now is expected to be able to tell every one of the home folks who shall write to him on the subject just who is going to be nominated for President by each of the great political parties. I have a great many inquiries along that line, and I make the best answer I can. I have an answer now in my mind with reference to an inquiry regarding the probable nomination at Kansas City in June. Perhaps I might best answer that question, Mr. Speaker, by asking you if you know how smooth is oil? [Laughter.] I do not know, but I do know that Vice President DAWES is as smooth in the political game as

my own conception of the smoothness of oil. [Laughter.] Nominally CHARLEY is pledged to promote the candidacy of Governor Lowden for the Republican presidential nomination. Secretly his ablest friends are grooming CHARLEY for the place.

Here is the situation: About one year ago this very week there was held in Washington a conference attended by representatives of the mighty moneyed interests which financed the campaign which led to the nomination of President Coolidge in 1924, and which elected him in that year. The conference regarded Coolidge as first choice for his own succession in the White House, the conclusion being unanimous that those mighty moneyed interests could not find one more faithful to their general cause than President Coolidge had been. But there was an obstacle in the way. That obstacle was the strong sentiment among the American people in opposition to any man filling the office of President three terms in succession. The big men in that conference were not there for the purpose of play. They were there to pave the way for the election of a President who would be as faithful to their interests as President Coolidge had been. And so they decided it would be dangerous to go up against the anti-third-term sentiment with Coolidge as a candidate. Having reached this decision, the conference began casting about for one man best calculated to serve their interests and capacity as President. Many were discussed, but at last the conference voted unanimously in favor of making Herbert Hoover their candidate for the Republican nomination, with the understanding that in due time they would have President Coolidge announce that he would not be a candidate.

This program has been carried out to the letter. In due time President Coolidge announced that he would not be a candidate for a third term. Immediately the great newspapers and magazines, largely owned or controlled by those moneyed interests which supplied the money to nominate and elect Mr. Coolidge in 1924, began spreading the most scientific propaganda in behalf of Hoover, and so successfully that they now have all the other announced candidates on the run.

But now another danger sign has appeared. The big money folks in charge of the Hoover campaign have discovered that in all the Middle West agricultural States the opposition to Hoover is so bitter and so unrelenting as to make very questionable the ability of Hoover to carry those States as against any man the Democrats might nominate against him, provided the Democratic nominee should be friendly to the cause of agriculture.

Now comes CHARLEY DAWES.

CHARLEY DAWES is as fondly loved by big money as is Herbert Hoover, save in one particular. Speaking in my own bucolic language, he has a tough mouth. He might take the bit in his teeth if he should reach the presidential chair and stage a runaway. Of course, he would not run far, but even a little runaway would be annoying to the big money folks who should put one of their own in the presidential chair.

With that one objection brushed away, CHARLEY DAWES will be just as satisfactory to the big money folks as Herbert Hoover could be, and it begins to appear that somebody is doing a little brushing. The higher rises the tide of opposition to Hoover in the Republican agricultural States of the Middle West the nearer CHARLEY DAWES comes to falling heir to the influences which up to this time have decreed that Hoover must be the nominee. No doubt about CHARLEY DAWES being one of the best sweethearts of the general Wall Street interests, and no doubt about him being far stronger among the agricultural elements than Hoover. And so it is easy to estimate the possibility of the ditching of Hoover by the big money folks and the throwing of their strength to DAWES. Not because Hoover is not 100 per cent for the Wall Street program, but only because of the fear that the bitter enmity of the agricultural folks might lose some of those Republican Middle West States to the Republican Party if a proved enemy of the general agricultural interests should be the nominee, and certainly the proof is at hand to show that Mr. Hoover would not favor any legislation for the welfare of agriculture unless such legislation should have been written in the gold room of the house of Morgan.

A year ago CHARLEY DAWES must have looked with a prescient eye down through the days and there discovered the anti-Hoover sentiment among the American farmers. He knew then that Hoover would be the first choice of the money folks who brought about the nomination and election of Coolidge in 1924. And right here DAWES adopted a little program all his own, a program which is leading the observers of political curves to regard CHARLEY DAWES as "smooth as oil." At first he began making a few innocent "agricultural gestures."

They were kindly received. Day by day he grew more aggressive in behalf of legislation in behalf of agriculture. And now, why, at this very moment some of the most astute political observers in the United States do not hesitate to say that the big moneyed folks will ditch Hoover before the opening

prayer shall be offered in the Kansas City convention and proceed to start CHARLEY DAWES on the way from the chair of Vice President of the Republic to the chiefest chair in the White House.

What is CHARLEY DAWES saying about it?

He says he is for Lowden.

King Richard said he loved his nephews, but he killed them in the tower.

CHARLEY DAWES says he loves Lowden. At Kansas City he will love DAWES more.

As between Herbert Hoover and CHARLEY DAWES I am 1,000 per cent for DAWES. May the gods not compel me to make a choice between the two. Both are sweethearts of the Morgan-Mellon group of moneyed interests. Both would be obedient to general Wall Street dictation, but Hoover would be more obedient than DAWES. [Applause.]

GENERAL CLAIMS BILL

Mr. TILSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death.

Mr. BLANTON. Mr. Speaker, I understood the committee wanted a quorum present.

Mr. TILSON. We can have a vote on going into committee.

Mr. BLANTON. All right.

The question was taken.

Mr. BLANTON. Mr. Speaker, I make the point that there is not a quorum present, and object to the vote on that ground.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 331, not voting 102, as follows:

[Roll No. 34]

YEAS—331

Abernethy	Clarke	Garrett, Tex.	Kvale
Ackerman	Cochran, Mo.	Gasque	LaGuardia
Adkins	Cochran, Pa.	Gibson	Lanham
Aldrich	Cohen	Gifford	Lankford
Allen	Cole, Iowa	Gilbert	Lea
Allgood	Collier	Glynn	Leech
Almon	Collins	Golder	Lehlbach
Andersen	Colton	Goldsborough	Letts
Andrew	Combs	Goodwin	Lindsay
Arentz	Connally, Tex.	Gregory	Lozier
Arnold	Cooper, Ohio	Green, Fla.	Luce
Auf der Heide	Cooper, Wis.	Greenwood	McClintic
Ayres	Corning	Griest	McDuffie
Bacharach	Cox	Griffin	McKeown
Bachmann	Craig	Guyer	McLaughlin
Bacon	Cramton	Hadley	McLeod
Bankhead	Crisp	Hale	McReynolds
Barbour	Crosser	Hall, Ill.	McSwain
Beck, Wis.	Crowther	Hall, Ind.	McSweeney
Beedy	Cullen	Hall, N. Dak.	Madden
Beers	Curry	Hammer	Magrady
Begg	Dallinger	Hancock	Major, Ill.
Bell	Darrow	Hardy	Major, Mo.
Berger	Davenport	Hare	Manslove
Black, N. Y.	Davey	Harrison	Mansfield
Black, Tex.	Davis	Hastings	Mapes
Bland	Denison	Haugen	Martin, La.
Blanton	De Rouen	Hawley	Martin, Mass.
Bloom	Dickinson, Iowa	Hersey	Mead
Bowles	Dickinson, Mo.	Hickey	Menges
Bowling	Dickstein	Hill, Wash.	Merritt
Bowman	Doughton	Hoffman	Michener
Box	Douglas, Mass.	Hogg	Miller
Boylan	Doyle	Holaday	Milligan
Brand, Ga.	Drane	Hooper	Monast
Brand, Ohio	Drewry	Hope	Moore, Ky.
Briggs	Dyer	Howard, Nebr.	Moore, Va.
Brigham	Eaton	Howard, Okla.	Morehead
Browne	Edwards	Huddleston	Morgan
Browning	Elliott	Hudspeth	Morin
Buchanan	England	Hughes	Morrow
Buckbee	Englebright	Hull, Morton D.	Murphy
Bulwinkle	Eslick	Irwin	Nelson, Me.
Burtness	Evans, Mont.	James	Nelson, Mo.
Burton	Faust	Jeffers	Nelson, Wis.
Busby	Fisher	Jenkins	Newton
Bushong	Fitzgerald, Roy G.	Johnson, Ind.	Niedringhaus
Butler	Fitzgerald, W. T.	Johnson, Okla.	Norton, Nebr.
Byrns	Fletcher	Johnson, Tex.	O'Brien
Campbell	Fort	Johnson, Wash.	O'Connell
Cannon	Frear	Jones	Oldfield
Carew	Free	Kading	Oliver, Ala.
Carss	French	Kahn	Oliver, N. Y.
Cartwright	Frothingham	Kearns	Palmisano
Casey	Fulbright	Kelly	Parker
Chalmers	Fulmer	Kemp	Parks
Chapman	Furlow	Ketcham	Peery
Chase	Gambrill	Kiess	Perkins
Chindblom	Garber	Kincheloe	Porter
Christopherson	Gardner, Ind.	King	Pou
Clague	Garner, Tex.	Kopp	Prall
Clancy	Garrett, Tenn.	Korell	Quinn

Ragon
Rainey
Ramseyer
Rankin
Ransley
Reece
Reed, Ark.
Reed, N. Y.
Reid, Ill.
Robinson, Iowa
Robison, Ky.
Rogers
Romjue
Rowbottom
Sanders, Tex.
Sandlin
Schafer
Schneider
Sears, Nebr.
Seger
Shreve

Simmons
Sinclair
Sinnott
Sirovich
Smith
Somers, N. Y.
Speaks
Spearing
Sproul, Ill.
Sproul, Kans.
Stalker
Steele
Stevenson
Strong, Kans.
Summers, Wash.
Summers, Tex.
Swank
Swick
Swing
Taber
Tarver

Tatgenhorst
Taylor, Colo.
Taylor, Tenn.
Temple
Thatcher
Thurston
Tillman
Tilson
Timberlake
Tinkham
Treadway
Underhill
Underwood
Updike
Vestal
Vincent, Mich.
Vinson, Ga.
Vinson, Ky.
Wainwright
Ware
Warren

Wason
Watres
Weaver
Welch, Calif.
Welsh, Pa.
White, Kans.
White, Me.
Whitehead
Whittington
Williams, Ill.
Williams, Mo.
Williams, Tex.
Wilson, Miss.
Winter
Woodruff
Woodrum
Wright
Wurzbach
Yates
Zihlman

NOT VOTING—102

Anthony
Aswell
Beck, Pa.
Bohn
Boles
Britten
Burdick
Canfield
Carley
Carter
Celler
Connery
Connolly, Pa.
Deal
Dempsey
Dominick
Douglas, Ariz.
Doutrich
Dowell
Driver
Estep
Evans, Calif.
Fenn
Fish
Fitzpatrick
Foss

Freeman
Gallivan
Graham
Green, Iowa
Hill, Ala.
Hoch
Houston
Hudson
Hull, Tenn.
Hull, Wm. E.
Igoe
Jacobstein
Johnson, Ill.
Johnson, S. Dak.
Kendall
Kent
Kerr
Kindred
Knutson
Kunz
Kurtz
Lampert
Langley
Larsen
Leatherwood
Leavitt

Linthicum
Lowrey
Lyon
McFadden
McMillan
MacGregor
Maas
Michaelson
Montague
Mooney
Moore, N. J.
Moore, Ohio
Moorman
Norton, N. J.
O'Connor, La.
O'Connor, N. Y.
Palmer
Peavey
Pratt
Purnell
Quayle
Rathbone
Rayburn
Rubey
Rutherford
Sabath

Sanders, N. Y.
Sears, Fla.
Selvig
Shallenberger
Snell
Stegall
Stedman
Stobbs
Strong, Pa.
Strother
Sullivan
Sweet
Thompson
Tucker
Watson
Weller
White, Colo.
Williamson
Wilson, La.
Wingo
Wolverton
Wood
Wyant
Yon

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Snell with Mr. Hull of Tennessee.
Mr. Graham with Mr. Driver.
Mr. Sweet with Mr. Carley.
Mr. Connolly of Pennsylvania with Mr. Aswell.
Mr. Beck of Pennsylvania with Mrs. Norton.
Mr. Leavitt with Mr. Sabath.
Mr. McGadden with Mr. Dominick.
Mr. Bacon with Mr. Gallivan.
Mr. Britten with Mr. Stedman.
Mr. Moore of Ohio with Mr. Kerr.
Mr. Pratt with Mr. Igoe.
Mr. Doutrich with Mr. Sullivan.
Mr. Purnell with Mr. Wingo.
Mr. Evans of California with Mr. Kunz.
Mr. Fenn with Mr. Larsen.
Mr. Hoch with Mr. Kindred.
Mr. Dowell with Mr. Tucker.
Mr. Rathbone with Mr. Hill of Alabama.
Mr. MacGregor with Mr. Miller.
Mr. Strong of Pennsylvania with Mr. Lyon.
Mr. Greene of Iowa with Mr. Mooney.
Mr. Hudson with Mr. Lowrey.
Mr. Watson with Mr. White of Colorado.
Mr. Johnson of Illinois with Mr. Shallenberger.
Mr. Wood with Mr. Connery.
Mr. Johnson of South Dakota with Mr. O'Connor of New York.
Mr. Stobbs with Mr. Canfield.
Mr. Kendall with Mr. Quayle.
Mr. Fish with Mr. Deal.
Mr. Palmer with Mr. Sears of Florida.
Mr. Dempsey with Mr. Fitzpatrick.
Mr. Burdick with Mr. Kent.
Mr. Kurtz with Mr. Willson of Louisiana.
Mr. Anthony with Mr. McMillan.
Mr. Foss with Mr. Rayburn.
Mr. Knutson with Mr. Celler.
Mr. Wyant with Mr. O'Connor of Louisiana.
Mr. Sanders of New York with Mr. Rutherford.
Mr. Michaelson with Mr. Douglas of Arizona.
Mr. Wolverton with Mr. Steagall.
Mr. Freeman with Mr. Yon.
Mr. Maas with Mr. Jacobstein.
Mr. Boise with Mr. Montague.
Mr. Lampert with Mr. Linthicum.
Mr. Strother with Mr. Ruby.
Mrs. Langley with Mr. Moore of New Jersey.
Mr. Williamson with Mr. Moorman.

The result of the vote was announced as above recorded.

The doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9285, with Mr. LaGuardia in the chair.

The Clerk read the title of the bill.

Mr. PEERY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PEERY: On page 2, in lines 8, 9, and 10, strike out the words "to consider, ascertain, adjust, and determine any claim liability for which is recognized under this section if the amount of the claim does not exceed \$5,000," and insert in lieu thereof "to consider, adjust, and compromise any claim liability for which is recognized under this section if the amount of the claim does not exceed \$3,000."

Mr. PEERY. Mr. Chairman and gentlemen of the committee, I want to say that in offering this amendment I do so with the utmost deference to the chairman and the other members of this committee. I have a very high regard for their ability and their statesmanship. I am in sympathy with the general purpose of this bill and with the objects sought to be accomplished.

If, as has been stated in the report of the committee, the machinery of Congress has broken down and does not properly function in the matter of determining these claims and adjudicating these claims, then the Congress should set up some machinery that will afford this relief to the people.

The bill proposes to confer jurisdiction upon certain existing tribunals for the adjudication of certain classes of claims, and to confer upon them authority to hear and determine these claims.

In brief analysis the bill proposes as follows:

First. To confer jurisdiction upon the Court of Claims to adjudicate all tort claims in excess of \$10,000 for damage to property, with no limit as to the amount for which the Government may be sued.

Second. Concurrent jurisdiction is conferred upon the Court of Claims and the United States district courts to adjudicate all tort claims for damage to property in amounts from \$5,000 up to \$10,000.

Third. Jurisdiction is conferred upon the Employees' Compensation Commission to adjudicate all personal injury and death claims. A maximum amount for which suit may be brought for personal injury or death is fixed at \$7,500.

Fourth. Jurisdiction is conferred on the head of each executive department and independent establishment to adjudicate tort claims for damage to property where the amount does not exceed \$5,000.

Under existing law, which is the act passed in 1922, the heads of executive departments are now authorized to hear and settle claims up to \$1,000. This bill proposes to extend their jurisdiction up to \$5,000.

I think the bill goes too far in this respect, and it is to limit this jurisdiction to \$3,000 that I offer this amendment.

I object also to the provision of the bill which confers upon the heads of executive departments power and authority to adjudicate these claims. I am quite willing for the heads of executive departments to be given the authority and the power to adjust and compromise claims up to \$3,000, but I am not willing to confer upon the head of an executive department the right and power to adjudicate as a court the claim of any party against the Government.

The general purpose of this bill is for Congress to transfer the exercise of judicial functions to other jurisdictions. It is fundamental that any judicial tribunal should be fair and impartial, and when you confer upon the head of an executive department the power to adjudicate you are conferring the power of adjudication upon a partisan, because it is within his department that the basis of the claim arises—damage resulting from negligence on the part of some employee or agent of his department. I think to confer the power of adjudication upon the head of an executive department is not only wrong in principle, but will prove bad in practice.

Mr. McDUFFIE. Will the gentleman yield?

Mr. PEERY. Yes.

Mr. McDUFFIE. Suppose a claimant is not satisfied with the adjudication of one of these executive departments; what is his remedy?

Mr. PEERY. Under this bill he has to come back to Congress and present his claim and ask Congress to pass upon it.

Mr. McDUFFIE. And Congress or the committee will immediately say, "You have very little standing in court to-day because the department has already passed judgment on the claim."

Mr. UNDERHILL. Will the gentleman yield?

Mr. PEERY. Certainly.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. PEERY. Mr. Chairman, I ask unanimous consent that I may have five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. UNDERHILL. You do not alter the situation one single iota by the passage of this bill?

Mr. McDUFFIE. Except you have a record staring you in the face.

Mr. UNDERHILL. The committee has such a record now in every instance.

Mr. PEERY. In answer to the gentleman from Alabama, I think the practical effect will be that when the claimant has gone before the head of an executive department and has submitted his claim and has obtained an adjudication or finding from that department, when he comes back to Congress, the practical effect will be that Congress will say to him that he has had his day in court.

Mr. RAMSEYER. Will the gentleman yield?

Mr. PEERY. I will.

Mr. RAMSEYER. What language in the bill does the gentleman think gives the department the power of adjudication in a judicial sense. I do not see much difference in the language to be stricken out and the language the gentleman offers to substitute.

Mr. PEERY. I will say to the gentleman that the bill as originally submitted, page 2, reads "exclusive authority is hereby conferred upon the head of each department to consider, ascertain, adjust, and determine." It does not use the word adjudicate, it is true.

Mr. RAMSEYER. The gentleman's amendment reads to "consider, adjust, and compromise."

Mr. PEERY. Yes; I leave out the word determine, which carries the idea of adjudication.

Mr. RAMSEYER. And it limits the amount to \$3,000. I am in sympathy with that; I think \$5,000 is a very large sum to put in the hands of a head of the bureau. We get a wrong idea of values here when we appropriate in millions and millions of dollars, but as applied to the individual \$5,000 is a large sum of money, whereas collectively for the Nation it does not seem to be. I hope the committee will consider a lower limit.

Mr. PEERY. In that connection I would like to say that the amount under existing law which gives the Federal court jurisdiction is \$3,000. Under this bill they propose to confer jurisdiction on the Federal court and the Court of Claims from \$5,000 to \$10,000.

Mr. RAMSEYER. In contract cases.

Mr. PEERY. Yes; and in torts you are introducing a new instrumentality in the determination of claims. Why not let the Federal court have jurisdiction, as it now has, in excess of \$3,000, and limit the jurisdiction of the heads of the executive departments to \$3,000 and then give concurrent jurisdiction to the Federal district court and the Court of Claims from \$3,000 to \$10,000?

This bill involves the transfer of the jurisdiction from Congress to other tribunals. The gentleman from Massachusetts [Mr. LUCE] in his address upon this bill some days ago was asked by me if he considered it wise in principle to transfer the exercise of judicial determination from the Congress to the executive departments, and his reply in substance was that in his Commonwealth originally the three functions—executive, legislative, and judicial—were exercised by the general court, but that they had gotten away from that. It took them 150 years to get away from it, and now the best line of thought was not to keep the legislative and judicial separate.

I do not agree with my colleague upon this proposition or upon this principle.

Mr. John Randolph Tucker, to whom the gentleman from Massachusetts refers in a most complimentary way, in his work on the Constitution in discussing the division of powers under the Constitution into the legislative, executive, and judicial departments, quotes from Baron Montesquieu's Spirit of Laws, as follows:

When the legislative and executive powers are united in the same person or in the same body of magistrates there can be no liberty, because apprehensions may arise lest the same monarch or senate should enact tyrannical laws to execute them in a tyrannical manner.

Again, there is no liberty if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative the life and liberty of the subject would be exposed to arbitrary control, for the judge would be then the legislator. Were it joined to the executive power the judge might behave with violence and oppression. There would be an end of everything were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.

Then he says:

The influence of Montesquieu's maxim upon the Federal Constitution is not left to conjecture. Mr. Madison discusses this subject at length

In the Federalist and vindicates the Federal Constitution against any material violation of the maxim.

The right of the claimant whose claim does not exceed \$5,000 to have an impartial tribunal to hear and adjudicate his claim is equal and coexistent with the right of the claimant having a claim in excess of \$5,000 to have a fair and impartial judge. This smaller claimant does not get such tribunal under the proposal of this bill. Under the bill as proposed he must take his claim to a tribunal that is presided over by an officer and a partisan of the Government. The bill, as originally drawn, proposed to give to this officer of the Government exclusive jurisdiction. The provision for exclusive jurisdiction has been stricken out, but the practical effect is virtually the same. For, if this bill should become a law, when a claimant meets with an adverse adjudication at the hands of the head of an executive department to which he must go with his claim for adjudication, the Congress as a practical matter would say to him that he had had his day in court. In my judgment it would be far better for Congress to set up an additional tribunal, a junior court of claims if you please, to hear and determine these claims up to \$5,000, rather than to adopt the provision contained in this bill.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. UNDERHILL. Mr. Chairman, I am going to try once more to present to the House the reason for this section and ask their support because if you start to amend the bill to meet every exigency, every remote case, every possible expediency the mind of man may conjure up, the bill is not going to be worth anything.

The reason for limiting it to \$5,000 is this: You would be surprised to find that in our committee the most of these claims up to \$5,000 are brought by poor people and a large proportion of them are brought by ignorant people.

A Member of Congress can not practice before the courts on such cases and consequently the claimant has got to hire a lawyer. In their ignorance they are just as liable to fall into the hands of some unprincipled person and be obliged to leave the case to them on a contingent fee. All you lawyers know that under a contingent fee the lawyer will get a larger sum than he would on a straight fee.

A Member of Congress can go before the department—I do not care which department—that is, he can present for his constituent a claim, and he can present the evidence for him, and if the claim is allowed the constituent gets the full amount. If you reduce it to \$3,000, what will be the result? These ignorant people, whom I mention, will take their cases to the courts under a contingent fee, and those that have a claim of \$5,000 will receive \$3,000 or less. It is no reflection at all upon the courts, it is no reflection at all upon those who appear before the courts. It is simply that this is a better way of securing equity, and we must remember all through the discussion that our committee is trying to act in the capacity of an equity court rather than a court of law, if you can separate the two, and I hope you will. We do not act upon the strict interpretation of all the laws that are laid down, as a court does. So in these small cases it is much better for the client, it is much better for the constituent, it is much better for you, that they be allowed to present their claims to the departments up to \$5,000. A claim for a larger amount than that you would be justified in taking to the courts.

Furthermore, do not be afraid of the bugaboo or straw man which is conjured up here to be torn apart that the department is going to turn down every claim that comes before it, and that after it has turned it down and they come back to the Committee on Claims for adjudication that the Committee on Claims and Congress is simply going to take the action of the department and confirm it. At the present time the committee is guided by the decision or report of the department, and Congress itself time and time again holds up a bill on the floor of the House which has an adverse report from the department. So you see you have the same situation existing to-day with reference to the decision of the department that you would have under the provisions of this bill, not a bit different. If you think you are aggrieved or injured, you can still come to Congress and have the committee make an equitable adjudication of the claim rather than have it passed upon under an absolute interpretation of the law by the courts.

Mr. ALMON. Mr. Chairman, from my observation and experience with the heads of bureaus, I am more than willing that they should have jurisdiction of the amount stipulated in this bill. From my experience I believe that our constituents would get just as fair and probably more liberal settlement than they would through the Claims Committee under the present system. I am not afraid of submitting these claims up to \$5,000 to the heads of the bureaus. Some one has said

that they might be partisan or prejudiced because the claim arose in their particular department. The heads of the bureaus will probably have no knowledge of the facts in connection with any of these claims until they have been presented. When a man attains a position in the Government service where he gets to be the head of a bureau I am willing to trust him to pass on the claims which will be referred to him under the provisions of this bill.

Mr. RAMSEYER. Mr. Chairman, I move to strike out the last two words. Although I do not agree with the proponent of the amendment—that it changes the meaning of the bill to any considerable extent—I do want to express myself as being in favor of limiting the jurisdiction. I thought originally that it should be limited to \$2,000. The amendment puts the limit at \$3,000. I think that is better than \$5,000; \$3,000, I think, is large enough to leave to a department head. You have no provision in the bill here, even, for authorizing anybody to adopt uniform rules to guide department heads.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. UNDERHILL. I have an amendment which will be offered as soon as this is disposed of which will take care of that feature.

Mr. RAMSEYER. Very well. That will be an improvement. Unless your amendment covers it, you have no provision for a review by anyone for errors of law. The department head may in his decision make errors of law, and his decision can not be reviewed at all.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. UNDERHILL. The Committee on Claims and the House of Representatives in almost all of these cases make errors of law, because we are not a court of law; we are a court of equity.

Mr. RAMSEYER. That is another thing brought to my mind, since the gentleman has mentioned it. There was a good deal of loose talk when the bill was under consideration before about Congress exercising a judicial function in passing on claims. When a bill is before the House the constitutionality of which is in question, and Members get up and argue for and against the bill because of its constitutionality or unconstitutionality, do Members then exercise judicial powers or legislative powers? In acting upon the bill before us to reimburse somebody for loss of property or life, do we exercise judicial or legislative powers? It is the latter, of course, without question, and in order that we may rid ourselves of this inaccurate use of terms let me cite you an authority from the Supreme Court itself defining what constitutes the exercise of judicial power. In the Muskrat case, volume 219, page 356, I quote from Mr. Justice Miller. He said:

The judicial power is the power of a court to decide and pronounce judgment and carry it into effect between persons and parties who bring a case before it for decision.

In other words, the exercise of judicial power has three elements—first, decision; second, pronouncing of judgment; and third, carrying into effect that judgment by a proper writ.

Now, Congress does not do that at any time, and so in none of the acts that we do here, whether passing on the constitutionality or validity of proposed legislation before us, or allowing a claim, do we exercise anything but legislative power. So let us get rid of that, and when we confer upon some officer in a department the power to pass upon a claim and transmit to Congress his finding, that is not the exercise of judicial power. Not a dollar of this money can be paid to any of these claimants until the Congress makes the necessary appropriation therefor.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. MOORE of Virginia. As I understand, the gentleman is simply concerned about the amount, and is not concerned about the language to be employed?

Mr. RAMSEYER. I do not see much difference between the language in the bill and the language in the amendment.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Chairman, may I have five additional minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RAMSEYER. I do not think there is much difference in the effect of the language, to be frank, between what is in the bill and what the gentleman from Virginia [Mr. PEERY] proposed in his amendment. I do favor the limitation in the

amount in this amendment, and will vote for the amendment for that reason, not because of any changes made as to power it confers upon the chief in a department.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. UNDERHILL. Would it not be better if the gentleman is going to accept the amendment simply to strike out the figures "\$5,000" and insert "\$3,000"? If you keep on emasculating this bill it will not be worth anything. I will not support the amendment.

Mr. RAMSEYER. I know you will not support it. I suggest to the gentleman from Virginia to change his amendment and limit it to the amount.

The last time the bill was up for discussion there was a great deal of talk of what foreign governments had done along this line and what various States had done in permitting the individual to sue the State. Massachusetts, for instance, was cited as a shining example. I had the legislative reference bureau in the Library of Congress to look up this point, and I find that only a very few States of the Union have laws permitting suits in tort.

The progressive State of Massachusetts, for instance, although there is a section of the code there giving jurisdiction to the superior court to hear claims of all kinds, I understand the courts have construed it as simply conferring jurisdiction, but not the power or right to entertain suits against the State in such cases without further legislation; and the Legislature of Massachusetts as late as 1924, as you will find in chapter 390 of the session laws of 1924, passed a law conferring upon the attorney general power to pass on all claims up to \$1,000, and they are to be paid providing the legislature appropriates the money. Upon claims involving over \$1,000 the attorney general investigates them and makes his recommendation accordingly to the Legislature of Massachusetts. But the other States that have laws along this line are very limited. I am simply referring to this in connection with what I said the other day when this was up, that we should go slow. I am sympathetic toward the general purposes of the bill. The gentleman from Massachusetts [Mr. UNDERHILL] and his committee have done a lot of hard and conscientious work on the bill, and I want to see them get something through; but as this is a new venture I appeal to you to first learn how to walk before you try to run, and I am sure it will be a safer development toward the things you want to accomplish if you go slow instead of attempting to take the whole leap at once. I understand amendments will be offered to limit the amount the Court of Claims and the court can hear and they should be adopted.

Mr. LUCE. Mr. Chairman, will the gentleman yield there?

Mr. RAMSEYER. Yes.

Mr. LUCE. In view of what the gentleman has said about the action of Massachusetts, I would submit that the valuable institution known as the legislative bureau in the Library has not gone the full limit in supplying the information.

Mr. RAMSEYER. The gentleman will take his own time in explaining that. The gentleman will concede that they have not gone the whole limit, as might be inferred from speeches made here the other day.

Mr. LUCE. Yes; I prefer to take my own time, but I supposed the gentleman would be willing to be corrected in an error of statement.

Mr. RAMSEYER. Well, if I made a misstatement as to the law of Massachusetts I will yield to be corrected.

Mr. LUCE. In 1887 it was declared that the statute passed in 1879 had given jurisdiction over all claims against the Commonwealth, whether at law or in equity.

Mr. RAMSEYER. That is what I said. That is merely jurisdictional, and does not confer, so the courts have held, at least, the power to determine those cases.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. McKEOWN rose.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. McKEOWN. On this amendment to reduce the amount from \$5,000 to \$3,000 I did not get the exact wording of the amendment; but on the question of amount I want to call the attention of the House to the fact that \$3,000 is a jurisdictional amount that makes a case removable from a State court to a Federal court on account of diverse citizenship. It would appear to me to be fair in this legislation to take that amount to determine the jurisdiction in the settlement of claims. If we require our cases to be removed from State courts to Federal courts when the amount exceeds \$3,000, then it does look to me as though \$3,000 ought to be the amount to be fixed in this particular instance.

Mr. UNDERHILL. The gentleman is in error. It does not require up to \$5,000.

Mr. McKEOWN. I am trying to get the amount fixed. I understood this amendment was on the amount which the department can settle.

Mr. UNDERHILL. It does.

Mr. McKEOWN. Well, I want to limit the amount at which a department may settle to \$3,000, because in a lawsuit in a State court between men of different citizenships, \$3,000 is the jurisdictional point, and if you go over \$3,000 they can transfer the suit to a Federal court. That amount seems to me to be the reasonable amount to fix here.

Mr. UNDERHILL. That is as to cases on contract but not as to cases in tort. I am afraid the gentleman did not hear my explanation as to why the amount is fixed as it is in the bill. It is solely in the interest of the poor man that we have fixed the amount at \$5,000.

Mr. McKEOWN. But there are two sides to the proposition. If \$3,000 is the amount to be sued for in a State court, where there is a diversity of citizenship, either in tort or on contract, then \$3,000 ought to be the amount at which a department may settle a claim. You ought not to make a discrimination in favor of a department of the Government as against the jurisdiction given to State courts. That is the point I am trying to stress. If you can not risk State courts having jurisdiction of cases involving more than \$3,000, where there is a diversity of citizenship, then it seems to me \$3,000 is the proper amount at which a department may settle.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. PERRY) there were—ayes 21, noes 47.

So the amendment was rejected.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: On page 2, in lines 12, 13, and 14, strike out the following: "For payment out of appropriations that may be authorized by Congress therefor."

And in line 17, after the word "made," insert the following: "Appropriations for the payment of such claims are hereby authorized and payment thereof may be made to the extent Congress may approve such claims by the granting of appropriations therefor."

Mr. UNDERHILL. Mr. Chairman, this is to correct a mistake which was made when this bill was up before. I accepted an amendment which struck out the word "made" and inserted the word "authorized." I thought it was just a change of a word which did not amount to anything, and this amendment takes care of the situation. I will say for the information of the Members that it was drawn by the chairman of the Committee on Appropriations [Mr. MADDEN] and has his approval and support.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. RAMSEYER. Mr. Chairman, I offer an amendment. On page 2, line 10, strike out "\$5,000" and insert "\$3,000."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

Mr. UNDERHILL. Mr. Chairman, may I ask whether this is not subject to a point of order, a similar amendment having just been voted on.

The CHAIRMAN. Does the gentleman from Massachusetts make a point of order?

Mr. UNDERHILL. I do.

Mr. RAMSEYER. Mr. Chairman, I ask to be heard on that. The gentleman from Virginia offered an amendment which changed the text of lines 8, 9, and 10, while the amendment I am offering simply changes the figures at the end of line 10.

The CHAIRMAN. The Chair is ready to rule. The Chair overrules the point of order, and the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAMSEYER: On page 2, in line 10, strike out the sign and figures "\$5,000" and insert in lieu thereof the sign and figures "\$3,000."

Mr. RAMSEYER. Mr. Chairman, the amendment offered by the gentleman from Virginia not only changed the figures but changed the text of lines 8, 9, and 10. My amendment simply limits the jurisdiction of the heads of departments to \$3,000 instead of \$5,000.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

Mr. MONTAGUE. Mr. Chairman, I was necessarily detained from the House, and I did not hear all of the debate in relation to this subject. May I ask the chairman of the committee whether the words "exclusive jurisdiction" are now in the text or not?

Mr. UNDERHILL. They are not in the text.

Mr. MONTAGUE. They are left out?

Mr. UNDERHILL. Yes.

Mr. MONTAGUE. I desire to concur in the motion made by the gentleman from Iowa. It is a very wholesome amendment. I think to give authority to the heads of departments the power to adjust claims of \$5,000 and less is too much.

Mr. UNDERHILL. Has the gentleman taken into consideration the amendment which was just adopted providing that payment of claims adjusted by heads of departments may be made to the extent that Congress may approve such claims by granting appropriations therefor?

Mr. MONTAGUE. Yes; I have caught that in a way. The point I desire to make is this: I would like very much to see something done that would remedy the condition which now confronts claimants of the country. However, I doubt if this bill will do it. Of course, I do not mean to say anything against the honest and indefatigable effort on the part of the committee reporting this bill to bring that about.

In the first place, you will never get, except in most isolated cases, a department to give a judgment for \$5,000.

Mr. UNDERHILL. Will the gentleman allow a correction there?

Mr. MONTAGUE. Of course, that is an expression of opinion of mine.

Mr. UNDERHILL. Will the gentleman allow me to present him with the facts? Out of 1,000 reports from the department, while a department never recommends any particular amount, it never opposes the recommendation of \$5,000.

Mr. MONTAGUE. But you leave this to the determination of the department, up to \$5,000.

Mr. UNDERHILL. We leave the determination of a claim with them up to \$5,000. They may hear the evidence and they may present the facts later to the Committee on Appropriations.

Mr. MONTAGUE. I repeat my assertion that in very rare instances will a department head certify in favor of the claimant. The inertia of the Government is against the claim when you start. You have to fight your way at the beginning. You are not before a judicial tribunal. You are not meeting an open-minded agent who is to dispose of the matter. I mean no reflection whatever. They represent the Government and they understand that their duty is to be one of saving the Government, rather than to render justice to the claimant.

Mr. SCHAFER. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. SCHAFER. Would not the same argument apply to the Members of the Congress? They represent the Government also.

Mr. MONTAGUE. Well, when they are seeking claims it may not apply. [Laughter and applause.]

Mr. SCHAFER. I do not mean the Members of the Congress who are seeking to have claim bills allowed; I mean the members of the Committee on Claims and the Members of Congress generally in the Committee of the Whole, and the question is whether or not they will allow a claim presented by one of their colleagues acting in the same capacity.

Mr. MONTAGUE. It is a very interesting question the gentleman puts, and it involves a field of psychology that I do not wish to enter [laughter], save to observe that Congress will lend a more willing ear to these claims than the head of a department or a subordinate under the head of a department.

I want to see some action, so there can be some remedy, up to an amount of \$3,000 or \$5,000, or whatever the amount may be, but if you make the amount large, greater will be the pre-occupation of the mind of the particular agent to refuse the claim. For this reason I hope it will be made somewhat reasonable, so that his reaction will be more favorable to a just claim.

Mr. UNDERHILL. Mr. Chairman, I would like to say just a word along this line. Under the provisions of this bill if I, personally—and I do not know of a man in Congress who has a better knowledge of the proceedings of the departments—if I had a claim of \$7,000 against the Government, I would go to the department and take my chances on the department giving me an award of \$5,000 and give up the other \$2,000, rather than to take any other action.

I will ask the ranking minority member of the committee to bear me out in the statement that in 90 per cent of the cases where we refer them to the departments for reports, the reports come back, as a rule, favorable and with this statement, "The

department does not think the amount requested excessive." Further than this, the department has no real right to go.

Now, do not be misled. The departments have used some of our Members roughly at times, according to their own feelings, but as a rule the Members of the House have had equitable and just and fair treatment by the departments, and I trust the amendment will not be adopted.

The question was taken; and on a division (demanded by Mr. RAMSEYER) there were—ayes 16, noes 48.

So the amendment was rejected.

Mr. NEWTON. Mr. Chairman, the committee will recall that in the debate on this bill 10 days ago that I offered an amendment, which was accepted by the chairman of the Committee on Claims, the gentleman from Massachusetts [Mr. UNDERHILL], and which was then adopted by the committee. It was, on line 1, of page 2, and inserted the word "negligent" before the word "omission."

Upon reflection I am of the opinion that the amendment should not have been adopted. The original language was "wrongful act or omission." I am satisfied that the word "wrongful" modifies "omission" and therefore the word "negligent" should not be used. Changed, as I have indicated, the liability is for a negligent or wrongful act or wrongful omission.

I therefore ask unanimous consent that the previous action of the committee on adopting this amendment be vacated.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to vacate the action taken by the committee, when the bill was previously before the committee, in agreeing to an amendment at page 2, line 1, inserting the word "negligent" before the word "omission." Is there objection?

There was no objection.

Mr. BULWINKLE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, line 1, strike out "(10 Statutes at Large, page 481)" and insert in lieu thereof "section 227, title 31, United States Code."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. BULWINKLE. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Page 3, strike out lines 12, 13, and 14 and insert in lieu thereof the following: "Section 3. Section 250, title 28, United States Code (sec. 145 of the Judicial Code as amended) is amended by adding after the third subsection thereof a new subsection 4, to read as follows."

The amendment was agreed to.

Mr. BULWINKLE. I offer another amendment, Mr. Chairman.

The Clerk read as follows:

Page 3, line 17, after the word "claim," strike out "exceed \$5,000" and insert in lieu thereof "is in excess of \$5,000 but does not exceed \$25,000."

Mr. BULWINKLE. Mr. Chairman, I offer that for the purpose of limiting the amount under section 3 of this bill. Under the bill suit may be brought in excess of \$5,000 up to any amount. We in the committee have had claims of a million dollars or more. I think as this is an experiment that it would be possibly better to go a little slow and limit the amount to \$25,000 and consider all property claims in Congress that are over \$25,000, and for that reason I have offered the amendment.

Mr. UNDERHILL. Mr. Chairman, in reference to this amendment I can see the drift of the gentleman's contention, but the facts are as follows: Most of these matters which come before the Committee on Claims involve comparatively small amounts of money and give us very little trouble excepting the time it takes to look them up and adjudicate them, but when it comes to large amounts in the Claims Committee the committee has no machinery nor has it the general atmosphere of the court to guide it.

Now, you never have limited the amount in contract cases. We passed that law many years ago and the sky is the limit there up to any amount in contract. In other words, a big manufacturer with plenty of money and a legal firm to look after its interest can come before the court and sue for an unlimited amount of money on a disputed contract. Then we passed a law known as the admiralty bill and you did not limit the amount.

I suppose the new California cost several million dollars. I do not anticipate that the California is going to be damaged by United States vessels or in its trips east and west and east it is going to be damaged in the Panama Canal, but suppose she was totally destroyed. There is no limit to the amount

they can sue for in court. Now, the difficulty is you are going to throw into the Committee on Claims and into Congress the adjudication of matters involving tremendous amounts of money when you do not provide the proper machinery nor the proper atmosphere with which to safeguard the interests of the claimants as well as the Nation. If you are going to reduce the amount, I trust you will not go as low as \$25,000, but make a reasonable sum, but I personally object to any limitation.

Time and time again I have been asked by Members of Congress, my colleagues, who have come before the committee asking that their case be referred to the Court of Claims or to the Admiralty Court, and saying, "Can't you trust your courts?" Every time I have offered an objection my good friends of the legal fraternity will hold up to me the integrity, the honesty, the ability, and the efficiency of the courts. This afternoon it has been asked, "Can not we trust the departments?" I say that if you can trust the courts up to \$25,000 you can trust them in any amount that may come before them. [Applause.]

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BULWINKLE. How many bills are now before the committee involving a property loss of more than \$35,000?

Mr. UNDERHILL. Very few.

Mr. BULWINKLE. Can the gentleman tell the number? Leaving aside post-office claims.

Mr. UNDERHILL. In 1922 we had claims which were over \$15,000,000, and out of that amount I can remember but six that were for more than a million or a million and a half or two million dollars.

Mr. LUCE. Is it not true that in the case of a decision by the Court of Claims, if there be any suspicion of a miscarriage of justice, Congress has always the whip hand through the Committee on Appropriations?

Mr. UNDERHILL. The Committee on Appropriations of course can exercise its power, and I am going to differentiate between the word "power" and the word "right." As a layman I have enough respect for courts to believe that their decisions should be followed, but they have not always been followed in the past, and the Committee on Appropriations can refuse absolutely to make an appropriation.

Mr. MOORE of Virginia. Mr. Chairman, I understand very fully the difficulties that attach to the present situation, and also the trouble that the Committee on Claims has had in performing its duties. I have thought that a very good disposition of the problem would be to create a commission which would have jurisdiction of all such claims as are described in the bill, with authority to report to Congress. That would relieve the necessity of Congress taking any preliminary action. However, I have no sort of objection to allowing the department heads to pass on such claims as we have talked about in the last few minutes, although I would have preferred to see the amount restricted to \$3,000.

I rose to say just a few words to the committee on what we are proposing to do, so far as tort claims are concerned. I may preface my observations by the statement that ordinarily no sovereign anywhere on either side of the water, either the Government of England or the Government of the United States, or the government of any state, submits to being sued indiscriminately in actions of tort for damages. I say this without having made any extensive examination. It is proposed by this bill to expose our Government to proceedings of that character. The courts are to be given jurisdiction to consider actions of tort where the amounts involved are without limit, and as suggested a moment ago by the gentleman from North Carolina. That is what is proposed. Let us see how the claims are to arise. Let us see how very broad is the scope of the proposition. Whenever any official or employee of the Government is guilty of negligence or of any wrongful act or omission, consequent upon which there is damage to any property, the person injured may bring his suit and effect a recovery, and he can do it, whether the amount be \$5,000 or \$5,000,000, or any amount.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. In a moment. Let us think of the position in which that places the Government. The Government has something like half a million officials and employees, and whenever one single one of those people is negligent or is in default because of some wrongful act, then the claimant who is injured or who charges that he is injured can look beyond the employee and bring suit against the Government. Is that a safe thing to do as broadly as that?

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. UNDERHILL. I would like to ask the gentleman two questions. In the first place, is not that the practice in pri-

vate as between one citizen and another, and is it not the practice of the Government as against the citizen; and second, why differentiate between actions of tort and actions on contract or in admiralty against the Government?

Mr. MOORE of Virginia. So far as the last branch of the question is concerned, there is a definiteness about contracts that does not exist in effect to the other claims.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Answering the first branch of the question, there is this to be said, that the practice of governments from the very start, which is pretty universal, is due to knowledge that there is an inclination to find against a government, which is better able to pay, than against an individual.

Mr. UNDERHILL. That may be general as far as juries are concerned, but does that inclination to which the gentleman refers prevail in the case of a trained judge?

Mr. MOORE of Virginia. That is the premise on which the world has generally proceeded up to this time. So far as I know, the Government of Great Britain does not submit to be sued by anybody who chooses to bring an action of tort against it; and that is the attitude of nearly all of the States of the Union, conservative States and progressive States. Take my own State as an illustration. This sort of thing would not be permitted.

Mr. UNDERHILL. Will the gentleman stand for a correction?

Mr. MOORE of Virginia. Yes.

Mr. UNDERHILL. Then I would say to him that in England, if any person has in point of property a just demand upon the King, he may petition him in his court of chancery, by what is called a petition of right. There the chancellor will administer right theoretically as a matter of grace and not compulsorily. In fact, right is administered as a matter of constitutional duty.

The gentleman spoke of his own State of Virginia. Is it not true that the Old Dominion has remained pretty well within the limits of the Constitution and has not engaged in all lines of business as the Government of the United States has?

Mr. MOORE of Virginia. My State is now diversifying its business to an enormous extent. We have a great many road officials in Virginia. We are not willing when a road official is guilty of some negligence in a county or has been guilty of some default, not negligent in character, to permit a person who claims injury occasioned thereby to his property to go into court and assert his claim against the State.

I have not got time to illustrate fully, but let me give one or two illustrations so as to show what is proposed to be done. The Government has thousands and increasing thousands of prohibition officers. If any one of those officials is guilty of any sort of negligence, or if he is guilty of an affirmative or wrongful act, without a warrant, if you pass this bill, a claim can be set up against the Government and asserted by judicial proceedings.

Mr. UNDERHILL. Providing it is in property damage.

Mr. MOORE of Virginia. The language of the act is clear, that if the loss or damage was occasioned by a wrongful act or omission of any officer or employee of the United States, then no plea can be offered to the institution and the maintenance of the action.

Take another illustration: We have now thousands of people engaged in carrying the mail, either on rural routes or on star routes. If this bill becomes a law and it appears that any one of those people has by some act of negligence or some wrongful act which you would not perhaps thus describe, it will permit a person alleging that he has suffered injury to go into court and recover if he can.

Mr. UNDERHILL. If the gentleman will read the bill he will find that it does not do that. There is an exemption to that extent.

Mr. MOORE of Virginia. No. There is no exemption that contradicts what I have stated. I will read the language here to show to what the exemption applies:

Mr. UNDERHILL. Will the gentleman also read the very first section of the bill, where it says:

Subject to the limitations of this act, the Government of the United States authorizes the payment of claims on account of damage to or loss of privately owned property.

It is distinctly set forth, "property." It does not allow damages in other directions.

Mr. MOORE of Virginia. Well, there are hardly any bounds to the interpretation of that provision. What I say stands. You are proposing here to allow actions against the Government in such a variety of cases that nobody can imagine what will occur. And incidentally we are doing what? Encouraging all sorts of people who are interested more now in doing that kind of thing than ever in the history of the Government, to corral such claims for the purpose of urging them and earning fees. I am not going to offer an amendment, but I think this subject is entitled to much consideration by gentlemen who have given more attention to it than I have, including the gentleman from Massachusetts [Mr. UNDERHILL], for whom I have high respect. I would like to invite the opinion of the gentleman from Massachusetts and the gentleman from Texas [Mr. BOX], whom I equally respect. To repeat what I said at the outset, it is my belief we could effectively rid Congress of all the harassing labor now involved, and enable deserving people to secure swift and satisfactory determination of their claims by constituting an impartial commission to consider claims and report to Congress its findings. [Applause.]

Mr. BOX. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BOX. Mr. Chairman and gentlemen of the committee, if the membership of the House now engaged in the study of this very important bill will do me the honor to recall what I said in opening my remarks on a previous occasion, they will recall that I said it was going much further than Congress had ever before manifested a willingness to go. I still think so. I approached its consideration with grave concern. I am glad that the thoughtful men of this House are giving it their best attention. I believe the legislation ought to be enacted. I am not convinced that it is free from difficulty, but I believe that a situation as serious as we have must be dealt with. Much of the discussion we have had to-day by those thoughtful gentlemen whose remarks have contributed so much to the understanding of what is in the bill here has been from the standpoint of government. I believe my colleagues on the committee—and I think those Members of the House who pay any attention to my work on the committee—know that I do not overlook the Government's side of these questions. Perhaps I am a little bit too conservative in that direction; but while that may be true, I want the membership to remember that there is a very high and important sense in which we are obligated to look at the other side of this question. There are literally hundreds—I may say thousands—of claims that I verily believe to be just but which get no consideration. Men can not do things without making mistakes, and you can not confer responsibility without sometimes inflicting wrong, and sometimes wrong results from trusting men. But you can not refuse to grant any relief because there is danger of mistake. There is not a court in the land that does not commit error. None of us is free from error. Therefore we must recognize that we have to use faulty human instrumentalities in our efforts to do right by the claimants—thousands of claimants—as well as by our Government.

This is new legislation in principle in the main. We have some minor bills, but this is the big affair. The Government of the United States is now maintaining contact with its people in a great many ways in which it did not have contact heretofore. It has thousands of trucks carrying mail; it has like numbers of Army and Navy trucks, and hundreds of airplanes.

It has many business contacts not covered by routine law, and it is constantly creating obligations of payment not provided for by law. We have, I think, 500,000 or 600,000 employees using these agencies and distributed and working among the 115,000,000 or 120,000,000 of our people, many of whom are very weak, indeed, when they come to match strength with their Government.

Gentlemen, when we sit on your Committee on Claims we try to protect the Government. Some of us try very hard and, perhaps, lean over a little bit too far that way; but at the same time we want to exercise whatever discretion we have in doing justice by everybody.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BOX. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. PEERY. Will the gentleman yield?

Mr. BOX. Yes.

Mr. PEERY. Is it not true that under this bill damages for personal injury or death are limited to \$7,500, while there is no limit for damages to property?

Mr. BOX. That is true. I want to call your attention, gentlemen, to this, and I want you to keep it in mind in whatever you conclude to do with the legislation we have presented to you, that the Congress retains control of these claims completely. I am sure there is nobody on the committee who has any such pride in the work he has done in the committee as to want that to influence anybody to pass legislation that ought not to be passed. After your departments and after your compensation commission have passed on claims we do not tell the Treasury to pay them. We say send it back to Congress with a summary of the evidence, and with the reasons for its allowance. If you think your Appropriations Committee is overburdened, you can, I suggest to my highly esteemed friend from Virginia, have a joint committee of the two Houses, or you could enlarge your House Committee on Claims and through it do the work of reviewing these claims and the action taken upon them. You can do that if you want to relieve the Appropriations Committee of the work of reviewing what these departments have done. If you want to provide an agency of your own, wholly within your own control, you could do that under this bill by the organization of a new committee or the extension of the powers of one of your present committees.

Your Committee on Claims has the right to report appropriations for claims. If you pass this legislation you would still have the power to control this business according to your judgment. If you believe that the legislation is not adequate, that it is unsafe or unjust to the Government or unjust to the claimants, we are still retaining in Congress the power to dispose of them. The Committee on Claims, or a division of it, could pass on these reports of the hearing and tentative allowance or disallowance and report back to this House in order that it may exercise its discretion concerning the claims.

This question is very serious. It weighs on the conscience of lawyers or Members of this House who see what goes on in that committee and how many people are without redress.

I say to you in all candor that I believe this will multiply the number of claims. I think I am under obligation to say that, because the question is probably in the minds of my colleagues.

Mr. BANKHEAD. Will the gentleman yield?

Mr. BOX. Yes.

Mr. BANKHEAD. I have great respect, as all of us have, for the opinion of the gentleman from Texas. One of the things that has been bothering me about this bill is the provision which gives exclusive authority to the head of a department to—

Mr. BOX (interposing). I think the word "exclusive" has been eliminated.

Mr. BANKHEAD. Well, whether that is stricken out or not, it does not change the proposition. You give authority under this bill to the heads of departments to try absolutely and determine the issues of claims up to the sum of \$5,000, without any right of appeal anywhere. That is final, conclusive, and res adjudicata.

Mr. BOX. I think not. I think the gentleman is in error as to that.

Mr. BANKHEAD. In effect, it seems to me, that is it, and that is the reason why I ask for the candid judgment of the gentleman from Texas. In the bill you provide:

No claim that, prior to the time of the passage of this act, has been rejected or reported on adversely by any court or department or establishment authorized to hear and determine the same, shall be considered under this title.

Of course, the gentleman's answer to that is that the Committee on Claims would probably still have jurisdiction of that matter, that they are not divested of jurisdiction to hear it; but is it not the opinion of the gentleman from Texas that it would greatly handicap the possibilities of a claimant ever securing any consideration whatever from the Claims Committee if one of these heads of departments had turned down the claim, although the head of a department might be in error on the law and the facts as to the righteousness of the claim?

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Texas may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BOX. I think there are two or three things involved in the gentleman's intelligent question. I think, first, that the

limitation imposed upon the power of a department is not in any sense a limitation upon the power of Congress to deal with the question after it has been before a department. Next I do believe that when a department has passed on one of these claims it will be more difficult to get it reopened and gone into carefully and thoroughly than if it were being done at first instance, where a department had never passed on it, otherwise this bill would serve no purpose. I think, however, that if it were apparent that any of the parties had not received justice that the Committee on Claims, if it properly performed its duty, would reopen the claim and that no party would be left without redress. It would make it more difficult. It would add weight to the side in favor of which the department ruled, the view on which they had decided the case. I think it would not bar your action, but would simply make it more difficult.

Mr. NEWTON. Will the gentleman yield for a question along that line?

Mr. BOX. Yes.

Mr. NEWTON. Is it not the present rule of the committee on a tort claim arising out of the negligence of one of the Government's employees not to consider the claim if the department reports adversely upon it?

Mr. BOX. I do not think it is true that we refuse to consider such a claim. I think we give great weight to such a report.

Mr. NEWTON. I want to say to the gentleman, that has been my experience before the Claims Committee of the House in the last Congress. They would take the judgment of an assistant solicitor or a solicitor of one of the departments as being absolutely final and conclusive on all questions of law and fact, and a Member was absolutely powerless before the committee to get a hearing upon such a claim. That is the experience I have had before the gentleman's committee.

Mr. BOX. I am sorry the gentleman has had that experience. I want to say for myself, and I think I speak for a number of my colleagues, that what a department says is not conclusive upon me, and I think it is not usually conclusive upon the committee, though it makes it harder.

Mr. NEWTON. Then is the rule being applied to one Member in one way and to another Member in another way?

Mr. BOX. I can not go into all of those things. I do not know what claims the gentleman has. I know for one thing that the committee can not do one-tenth of the business it ought to do and do it right.

Mr. NEWTON. That is the reason I am for this bill. I want to take part of the work away from the committee.

Mr. BOX. If I may take the House into my confidence for just a moment concerning some claims that have been referred to the subcommittee of which I have the honor to be chairman, and I have had other experiences like it, involving several hundred thousand dollars and involving a lot of mixed-up and disputed transactions, my colleagues and I get together for a few hours whenever we find time and have some hearings and do our best to ferret out the rights involved in these claims, realizing all the time that we are not able to go to the bottom of them and do justice either by the claimants or by the Government. I remember yet another case that came before this House where the claim involved about \$1,400,000. The gentleman from Texas reached one conclusion and a majority of the committee reached another. After spending many hours in going through them, I stated to the House that if I, as a responsible lawyer, were undertaking to adjudicate these claims I would want several months probably to ferret out all of the controverted facts and learn the truth in order to do right concerning them.

Now, gentlemen, this legislation is difficult. I am not going to tell this House that there are not going to be more claims. I believe there will be more claims.

Mr. McSWAIN. Will the gentleman yield?

Mr. BOX. Yes.

Mr. McSWAIN. But in spite of the gentleman's misgivings, I understand the gentleman is for this bill?

Mr. BOX. I am, because I would rather make an honest effort to deal with a bad situation than to throw it down and run off and say that because there is some danger I will not have anything to do with it. [Applause.]

Mr. McSWAIN. I have so much confidence in the gentleman from Texas that I am going to vote with him.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. NEWTON. Mr. Chairman, I believe in the general principles embodied in this legislation and want to support it and see it passed. I believe that in the interest of the bill generally the amendment of the gentleman from North Carolina should be adopted.

This is a new proposition, but because it is new we ought not to turn it aside. We ought to take it up, but at the same time there is no reason at all why in taking it up we should not safeguard it against possible abuse. Why it is that on both sides of the aisle there are a large number of Members who are in favor of the general proposition? This was clearly stated by the gentleman from Texas [Mr. Box] a moment ago, when he said that it is a physical impossibility for the Committee on Claims to really handle the number of bills presented to it, and to handle them well and conscientiously.

The great majority of these claims, of course, run in amounts from a few dollars up to \$5,000 or \$10,000. Bills embodying claims in excess of \$10,000 are in the great minority. If this is the case, by the passing of this legislation, limited in its effect to claims in small amounts, we are really accomplishing the major portion of our purpose. We are then leaving to the committee plenty of time to take care of the larger claims, above \$25,000, and the committee is going to have ample opportunity and ample time to take care of such claims.

Then, after the law has been in effect for a period of years and we have had an opportunity to judge whether it is being abused by an excess of claims or whether the courts are too lenient in rendering judgments under the bill, then we can remove the limit if that is then necessary.

Therefore it seems to me that in order to properly start this bill out and remove some of the objections to it we ought to adopt the amendment of the gentleman from North Carolina and limit these tort claims to \$25,000.

I think the committee will not be overburdened by claims of above this figure.

Mr. UNDERHILL. Will the gentleman yield?

Mr. NEWTON. I will.

Mr. UNDERHILL. I will ask the gentleman the same question I have asked others: How do you differentiate between contract claims, property claims, and admiralty claims that are limitless?

Mr. NEWTON. As far as contract claims are concerned they seem to me to stand on an entirely different basis. You have the Government and the citizen entering into contractual relations. There is something certain about what the damages will be. As to admiralty I do not know anything about admiralty law and I am not going to say anything about it, but I do say that when you open up the field of torts and destroy the custom of ages and make the sovereign subject to lawsuits for wrongful acts of its employees or for the negligence of its employees, then you are entering into a very wide field. I do not believe that we ought to say "No; the Government is not going to be responsible for the negligent acts or omissions of its servants or the wrongful acts of its servants," but I do not think we ought to say we are going to be responsible without limit. I hope the gentleman and other members of the committee will yield on this question and let us get started where we will not be opening up the door to possibly a large number of lawsuits against the Government. Anyone who has been in large cities knows the efforts made by the claims gatherer to get claims to bring action upon them. We are inviting that very practice here, and if it is necessary to do it let us limit the amount.

Mr. LUCE. In view of what was said about discarding the "custom of ages," I would comment on the antiquity of this doctrine.

Under the Roman law judicial attitude varied at different periods. In the latter part of the Middle Ages came revolt against tyranny. In this particular the cities and towns and people successfully opposed kings and nobles, with the result that up to about the sixteenth century, speaking broadly, it was the doctrine of most of the world that corporations, whether municipal or otherwise, including governments in their corporate capacity, might be held responsible in court for either their own acts or those of their agents.

Then this doctrine was upset. By whom? By the tyrants, the absolute monarchs who came to dominate Europe. With absolutism in England under the Tudors and as long as the Stuarts could prevail, and with absolutism under such monarchs as Louis XIV, there was established the opposite doctrine, enforced for the first time with general acceptance, that the king could do no wrong.

Gentlemen have declared that the doctrine now prevails generally. On the contrary, England and the United States are the only countries in the civilized world where it prevails. It has been overturned in Germany, it has been overturned in France, it has been overturned on all the Continent of Europe, and it is a strange thing, sir, that these two countries—England and the United States, democratic in the essence of their government—still persist in adhering to this doctrine of the absolute monarchist that the rest of the world has rejected.

Ah, but we do not wholly hold to it. I wish the gentleman from Virginia was still in the room that I might tell him, it was his Commonwealth that led the way only two years after the Declaration of Independence in a revolt against this doctrine.

Said Justice Bouldin in 1874:

It has been the cherished policy of Virginia to allow to her citizens and others the largest liberty of suit against herself; and there has never been a moment since before October, 1778, that all persons have not enjoyed this right by express statute.

Authority to this end has been placed in 17 State constitutions, authority for the legislature to permit the States to be sued in the courts.

The other day, without warning that this subject was to be taken up, relying on my memory, without refreshing it by reference to notes, I erred as to what had taken place in my own State. I beg the indulgence of the House that I may correct the impression then given. I find that the Massachusetts Legislature in 1879 gave the courts the power to consider cases in contract and that in 1887 it intended to give the courts power to handle cases in tort, for it used these words, "All claims against the Commonwealth whether at law or in equity."

There come times when the courts make decisions that laymen can not fathom. With all due regard for the highest court in my own Commonwealth, I express my deep regret that in this matter, in one of the very few instances in its record, it saw fit to declare that the legislature did not mean what it said.

The court held it was not to be conceived that the legislature meant what its words would commonly mean. It held that the plain, simple purport of the language of the Massachusetts Legislature was not to be accepted, but that the words were to be taken in a juridical sense. So, by judicial legislation, the purpose of the legislature has been overthrown.

The gentleman from Virginia [Mr. MOORE] expostulated at the idea that a government might hold itself responsible for defects in highways or injuries caused by negligence of the servants of the State in connection with highways. In reply I may point out that my State has by specific legislation empowered the courts to handle cases growing out of defects in the State highways.

It was my province at one time to be at the head of the committee in our State legislature which would have handled these matters. My colleague [Mr. GERRARD] served in the State senate, as I recall it, on the corresponding committee. Neither he nor I can remember any claim referred to those committees, save possibly in one instance in my own case, where there was more of equity than of law involved. We have turned these claims cases out of the legislature, and Massachusetts still survives. Her treasury has not been wrecked. Her people have not been wronged.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. RAMSEYER. What was the object, then, of the statute passed by the Legislature of Massachusetts not later than 1924 conferring jurisdiction on the attorney general to consider claims up to a thousand dollars, and over \$1,000 to investigate them and make recommendations to the legislature?

Mr. LUCE. By such legislation we have so reduced the number of claims that our general court is no longer disturbed by their volume or by their importance.

Mr. RAMSEYER. And by "general court" the gentleman means the Legislature of the State of Massachusetts?

Mr. LUCE. That is what I mean.

Mr. RAMSEYER. I asked the question so that these western fellows around here would understand what the gentleman is talking about. [Laughter.] The gentleman admits that when the bill was under consideration before he was incorrect in his statement as to what they do in Massachusetts. I have not had time to look up the procedure in England or in the continental countries of Europe.

The gentleman evidently disagrees with his colleague [Mr. UNDERHILL], and I think I know that the gentleman is wrong in regard to what is possible over in England. At least, the gentleman from Massachusetts now having the floor puts England in the same class with us and places the continental countries of Europe in a different class. I am wondering whether, in referring to the procedure in Germany and France and in other countries in continental Europe, the gentleman is any more correct now than he was the other day when the bill was under consideration when he told us to what extent you could go in the courts of Massachusetts.

Mr. LUCE. No fellow Member has done me a greater favor when I have been on my feet than has my friend from Iowa [Mr. RAMSEYER] in expressing doubt, because in so doing he

reminds me of what I came very nearly forgetting. It happens that Prof. Edward N. Borchard, of Yale, has printed in the issues of the Yale Law Journal in the course of the past two years a series of six remarkable articles on "Governmental responsibility in tort." These articles are scholarly in the extreme. The writer has ransacked history, has furnished a multitude of citations, and has shown himself a complete master of the subject. My statements of fact in relation to the earlier history of the matter and the present situation abroad are to be credited to Prof. Edward N. Borchard, of Yale. If his accuracy should be questioned, I believe he would find ample reply.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The question is on the amendment offered by the gentleman from North Carolina [Mr. BULWINKLE].

Mr. FORT. Mr. Chairman, may we have the amendment again reported?

There being no objection, the amendment was again reported.

The question was taken; and on a division (demanded by Mr. BULWINKLE) there were—ayes 38, noes 46.

So the amendment was rejected.

Mr. BULWINKLE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BULWINKLE: Page 3, line 17, after the word "claim," strike out "exceed \$5,000" and insert in lieu thereof "is in excess of \$5,000 but does not exceed \$50,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. BULWINKLE) there were—ayes 41, noes 51.

So the amendment was rejected.

Mr. BULWINKLE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BULWINKLE: Page 3, line 16, after the word "of" in line 16, strike out "the Federal tort claims" and insert in lieu thereof the word "this."

Mr. BULWINKLE. Mr. Chairman, that amendment is introduced to clarify the unusual procedure of citing the act in the act creating the act. Under this a great many Members did not know what the Federal tort claims act was. That is the bill that we are now considering.

Mr. UNDERHILL. Mr. Chairman, I bow to the superior judgment of my colleague.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 4. Paragraph 20 of section 24 of the Judicial Code, as amended, is amended by adding after the first subdivision thereof a new subdivision to read as follows:

"Concurrent with the Court of Claims, of all claims liability for which is recognized under Title I of the Federal tort claims act, if the amount claimed is in excess of \$5,000 but does not exceed \$10,000. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury."

Mr. BULWINKLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: Page 3, beginning with line 18, strike out section 4, commencing with line 18, on page 3, and ending with line 2, on page 4, and insert in lieu thereof the following:

"Sec. 4. Subsection 20. Section 24, Judicial Code, as amended (subsection 20, section 41, title 28, United States Code), is amended as follows:

"(20) Suits against United States. Twentieth. Concurrent with the Court of Claims, of all claims not exceeding \$10,000, founded upon the Constitution of the United States or any law of Congress, or upon any regulation of an executive department, or upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the party would be entitled to redress against the United States, either in a court of law, equity, or admiralty, if the United States were suable, and of all set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court; and of any suit or proceeding commenced after the passage of the revenue act of 1921, for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority or sum alleged to have been excessive or in any manner wrongfully collected under the internal revenue laws, even if the claim exceeds \$10,000, if the collector of

internal revenue by whom such tax, penalty, or sum was collected is dead or is not in office as collector of internal revenue at the time such suit or proceeding is commenced. Nothing in this paragraph shall be construed as giving to either the district courts or the Court of Claims jurisdiction to hear and determine claims growing out of the Civil War, and commonly known as "war claims," or to hear and determine other claims which had been rejected or reported on adversely prior to the 3d day of March, 1887, by any court, department, or commission authorized to hear and determine the same, or to hear and determine claims for pensions; or as giving to the district courts jurisdiction of cases brought to recover fees, salary, or compensation for official services of officers of the United States or brought for such purpose by persons claiming as such officers or as assignees or legal representatives thereof; but no suit pending on the 27th day of June, 1898, shall abate or be affected by this provision. No suit against the Government of the United States shall be allowed under this paragraph unless the same shall have been brought within six years after the right accrued for which the claim is made. The claims of married women, first accrued during marriage, of persons under the age of 21 years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the suit be brought within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively. Concurrent with the Court of Claims, of all claims liability for which is recognized under Title I of the Federal tort claims act, if the amount claimed is in excess of \$5,000 but does not exceed \$10,000. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury."

Mr. UNDERHILL. Mr. Chairman, as I followed the reading of the amendment, this is merely the quoting of the law as it now reads, instead of referring to it, in lines 18 and 19, on page 3. Am I right in reference to that?

Mr. BULWINKLE. Mr. Chairman and gentlemen of the committee, merely this: On page 3 of the bill, line 18, you will notice that it cites paragraph twentieth. It should be "paragraph 20 of section 24 thereof, a new section." Under this section of the Judicial Code there is only one section, and the amendment here proposed goes into what you might call the body of that section in making a new subdivision. But this just reenacts the provision of the Judicial Code affecting this section, plus the words beginning on line 22 of section 3.

Mr. UNDERHILL. And ending on page 4 in line 2?

Mr. BULWINKLE. Yes. While I am here I may state that through inadvertence I overlooked this just now, and probably we will have to have an amendment to this amendment striking out and inserting "Title I of the Federal tort claims act."

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment in the manner indicated. The Clerk will report the amendment for information.

Mr. BULWINKLE. The latter part of it.

The Clerk read as follows:

Concurrent with the Court of Claims of all claims liability for which is recognized under Title I of the Federal tort claims act if the amount claimed is in excess of \$5,000 but does not exceed \$10,000. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the House, if I caught correctly the gentleman's amendment it prohibits the bringing of any suit in the Federal court where the cause of action arose on a claim six years prior to bringing the suit?

Mr. BULWINKLE. No. If the gentleman will read, beginning on line 22, page 3, he will notice it gives concurrent jurisdiction between the court of the districts and the Court of Claims.

Mr. HUDSPETH. Something is stricken out here.

Mr. BULWINKLE. I know; but the gentleman is reading the original law as it is at present.

Mr. HUDSPETH. Then is the gentleman amending the present law?

Mr. BULWINKLE. Yes; so as to get it in proper form. That is all.

Mr. HUDSPETH. It is such a long amendment—

Mr. BULWINKLE. That is true, but as I stated before, you have the words repeated there. That would be the case if this were added to the existing law.

Mr. HUDSPETH. I just caught the reading of the latter part. I was absent for a moment from the Chamber attending a hearing in the Committee on Appropriations. What is the gentleman seeking to do with the bill that we passed out of the committee, reported by the gentleman from Massachusetts [Mr. UNDERHILL], as I understood, by unanimous vote? What are you seeking to amend here?

Mr. BULWINKLE. It is to clarify it. That is all.

Mr. HAWLEY. The first part of that amendment, as I understand it, is just a reenactment of existing law. We will have it all in one place.

Mr. UNDERHILL. Yes; in one paragraph. The error in the bill was in referring to two subdivisions.

Mr. BULWINKLE. There was no subdivision.

Mr. HUDSPETH. It says:

Concurrent with the Court of Claims of all claims liability for which is recognized under Title I of the Federal tort claims act, if the amount claimed is in excess of \$5,000 but does not exceed \$10,000. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury.

Now, if that is in the bill, why is the gentleman seeking again to reenact it?

Mr. BULWINKLE. If that were left out, then you would have under section 41 of the act—

Mr. HUDSPETH. Are you speaking of the bill or of the present law?

Mr. BULWINKLE. I am talking about the bill as it will be if reenacted. There is only one subdivision of section 20 under the existing law. Then you have this:

All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury.

Mr. HUDSPETH. Where are you going to place the provision amending the bond?

Mr. BULWINKLE. It is incorporated right here in the existing law.

Mr. HUDSPETH. When you go to placing it in the code what are you going to do with it? You mean in the code that has just been enacted?

Mr. BULWINKLE. Either the judicial act or the code just enacted. It does not change existing law.

Mr. HUDSPETH. I understood the gentleman was limiting the suits that can be brought within six years from the time the cause of action arose up to the time the suit was instituted.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. HUDSPETH. The gentleman assures me it does not alter that situation.

Mr. BULWINKLE. The only thing I am doing here is to show the House what section of the Judicial Code is amended by this provision in the bill.

Mr. HUDSPETH. The gentleman is not injecting any new matter into the bill?

Mr. BULWINKLE. It is the same matter which is in the bill, commencing in line 22, on page 3, and ending in line 2, on page 4. It is the same matter in the bill placed as an amendment showing what the existing law is. That is all.

Mr. HUDSPETH. If that is what the gentleman intends, I have no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The Clerk read as follows:

Sec. 5. Suit under section 24 or 145 of the Judicial Code, as amended by this act, upon a claim accruing on or after April 6, 1920, and prior to the passage of this act, shall be brought within one year after the passage of this act or within six years after the accrual of the claim.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment. I move to strike out, in line 5, page 4, "1920," and insert in lieu thereof "1925."

In line 6, strike out the words "one year" and insert in lieu thereof the words "six months."

In line 7, strike out the word "six" and insert in lieu thereof the word "three."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: On page 4, in line 5, strike out the figures "1920" and insert in lieu thereof the figures "1925."

In line 6, strike out the words "one year" and insert in lieu thereof the words "six months."

In line 7, strike out the word "six" and insert in lieu thereof the word "three."

Mr. BOX. I want to ask the chairman if he does not understand that this insertion of 1925 has the effect of simply limiting the operation of this bill to causes of action arising after

that date and that it has no effect at all on such causes of action which arose prior to 1925, such as my colleague from Texas [Mr. HUDSPETH] has in mind?

Mr. UNDERHILL. The gentleman is absolutely correct. We had to set a limit. This bill was drawn at least four or five years ago, and in redrawing the bill from year to year those dates were left in. It is perfectly apparent to the Members that it would not be wise to set such a long limit as is now contained in the bill. Consequently, we have suggested the change of date to 1925, and it does not act as a retroactive feature at all.

Mr. BOX. And leaves the holders of those claims with all the rights and advantages they now have?

Mr. UNDERHILL. Yes.

Mr. RAMSEYER. Will the gentleman yield for a question?

Mr. UNDERHILL. Yes.

Mr. RAMSEYER. Does not the gentleman think to reduce the time from one year to six months after the passage of this act is an unnecessary limitation? Just why does the gentleman think one year after the passage of this act is too long?

Mr. UNDERHILL. I frankly stated to the House on a previous occasion that I had accepted this suggestion as strengthening the bill in another body, and that the reason for it was a reason which appealed strongly to me, and that was that in these Government suits it would be well to reduce the time as far as was possible to do so in order to protect the Government against suits which might be brought and the witnesses might have disappeared in the meantime. It is a protective measure for the Government.

Mr. RAMSEYER. Three months would be still more protective, but that is not the question. It is a question of reasonableness.

Mr. UNDERHILL. I think six months is long enough. If a fellow has a suit to bring against the Government or anyone else, he ought to bring it within a short time. In the original bill the limitation was 60 days. That was increased to one year later on in order to conform to the general practice in the courts. However, it was thought very unwise to leave it one year, but that we should reduce it to six months, which is considered a reasonable time.

Mr. RAMSEYER. I do not want to oppose the committee's action, but I simply want to state that one year would not be an unreasonable time after the enactment of the law. A lot of people do not learn what Congress does even within that length of time. Even some Members of Congress a year after a law is passed wake up to a realization that they did not know such a law ever passed.

Mr. UNDERHILL. It will take care of most cases.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

SEC. 7. No suit upon any claim shall be brought under section 4 or 5 if the claim has been determined by the head of any department or establishment under section 1; and no claim shall be presented for consideration to the head of any department or establishment under section 1 if final judgment thereon has been rendered in a suit upon such claim brought under section 4 or 5.

Mr. NEWTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NEWTON: On page 4, line 13, strike out lines 13, 14, and 15 to and including the semicolon.

Mr. NEWTON. Mr. Chairman, the committee will note that I have stricken out the language which constitutes words of limitation; that is, "no suit upon any claim shall be brought under section 4 or 5 if the claim has been determined by the head of any department or establishment under section 1."

Under the plan or scheme provided in the bill you can take a claim and go to the department and have it determined there. If the claim is over \$5,000, you then have recourse to the courts. This provision makes a determination—now mark this—this provision makes a determination by a department head absolute and final.

If there is anything I do not like and that the average Member of Congress does not like it is the granting of arbitrary power to anyone, and this applies to any member of the executive branch of the government. I abhor the exercise of arbitrary power by anyone.

Mr. HUDSPETH. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. HUDSPETH. As I understand, it is the gentleman's contention that under the bill the language makes the finding of a department head final.

Mr. NEWTON. Exactly.

Mr. HUDSPETH. And you have no right to go into court.

Mr. UNDERHILL. No; the gentleman is mistaken.

Mr. NEWTON. You have no recourse.

Mr. UNDERHILL. The gentleman is absolutely mistaken.

Mr. NEWTON. I yield to the gentleman from Massachusetts [Mr. UNDERHILL], if there is any question about it.

Mr. HUDSPETH. I had understood just the reverse, I will state to the gentleman from Minnesota.

Mr. UNDERHILL. If the gentleman will yield—

Mr. NEWTON. Yes.

Mr. UNDERHILL. I stand firm for the right of the citizen to have his day in court, but I do not declare for a policy of giving him three or four chances at it. This paragraph determines that if the department head decides against him he can not carry it to court; and it also determines that if the court decides against him he can not carry it to the department; but it does not prevent him from coming to Congress at any time he wants to.

Mr. NEWTON. He has that right to-day. The citizen can come to Congress, but, as I said a few moments ago, under a rule which has been established by the gentleman's committee, if a department head says that a tort claim is not just, under the rule of the gentleman's committee a Member of Congress is precluded now from having the committee pass judgment upon it.

Mr. UNDERHILL. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. UNDERHILL. There is no such rule in the committee, and there has never been such a rule in the committee. If the gentleman must force me to a confession, I will say that I have exercised arbitrary powers in the committee which I had no right to exercise and from which I want to be relieved. I adopted this procedure in order that we might get action on some matters and do some justices rather than take up a case that has not a snowball's chance either in the committee or on the floor of the House and spend weeks on that case to the exclusion of a score or more cases with real merit. This is in the interest of most of my colleagues, and if there is anybody to blame I will accept the responsibility.

Mr. NEWTON. I am not seeking to place the blame upon anybody. I am stating a fact.

Mr. DEMPSEY. Will the gentleman yield?

Mr. NEWTON. In just a moment. What I am seeking to do is to get away from the present situation that we are in.

Mr. UNDERHILL. And let us get through it by this bill.

Mr. NEWTON. We want to get through it in the right way, and the way the bill is now drawn you can not get through it because if it is a small claim you can not get into court. If it is a small claim, you can get the department head to pass upon it up to \$5,000; but if the department head rules against it, you are foreclosed now, under the gentleman's idea of the way the procedure should be conducted in his committee, and we will be foreclosed if we pass this bill. This takes in a great majority of the claimants. Wherein are we benefiting ourselves by any such legislation if we so restrict it?

I now yield to the gentleman from New York.

Mr. DEMPSEY. Is not this the scope of the bill, and I would like to have also the attention of the chairman of the committee? Under subdivision (b) on page 2, authority is conferred upon department heads to settle and adjust claims up to \$5,000.

Mr. NEWTON. That is right.

Mr. DEMPSEY. Now, nowhere else is there any jurisdiction conferred upon a department head except under that subdivision.

Mr. NEWTON. That is correct.

Mr. DEMPSEY. Then we come to page 3, and under section 3 jurisdiction is conferred upon the courts to consider claims in excess of \$5,000, and no jurisdiction is conferred upon the court except in respect of claims in excess of \$5,000.

Mr. NEWTON. That is my understanding of it.

Mr. DEMPSEY. Then we come to page 4, and under this provision which the gentleman proposes to strike out, the conclusion or decision of a department head as to a claim of less than \$5,000 is made conclusive and final.

Mr. NEWTON. That is right.

Mr. DEMPSEY. Now, if we are going to make the bill so that the department shall have final and exclusive jurisdiction, would not we have to go back to section 3 and strike out the words in lines 16 and 17, "If the amount of the claim exceeds \$5,000"—and this would confer jurisdiction on the court in all claims?

Mr. NEWTON. That is correct.

Mr. DEMPSEY. Would it not be an advantage to give the claimant the choice or opportunity if he is poor and has a small claim to go to the department head first, which would be accomplished by the second amendment, the one the gentleman

has suggested, and the one I have outlined on page 3, and enable him to present his claim to the department, and then the department represents the Government as if the district attorney is conferring with a criminal or the counsel of a city is conferring with a man who has a claim against the city—the situation is precisely the same.

Mr. NEWTON. The gentleman is correct.

Mr. DEMPSEY. The man should not be bound by the determination of the officer who represents the other side, but should have his day in court. The man with a small claim can not have his day in court except by the two amendments.

Mr. NEWTON. The gentleman is correct.

Mr. DEMPSEY. Ninety per cent of these claims will be claims of poor, practically helpless people ranging in amount from \$1,000 to \$5,000. By passing the bill as drawn without the two amendments you are not affording any relief to this large number of claimants, but only relief to the big fellow who has a claim beyond the \$5,000, reaching up in amount however great it may be; is not that the truth?

Mr. NEWTON. That is correct.

Mr. DEMPSEY. So that we are extending relief to the man who does not need it, and giving such limited relief to the poor man that, according to my experience and the experience of all of us, is no relief at all.

Mr. NEWTON. Yes; the claimant under these conditions, if he knows about the law and the officers who handle the claims, would base his claim on a sum over \$5,000 in order to get into the court. That is what we are inviting.

Mr. DEMPSEY. We are not criticizing the Government, but we say it is a prejudiced judgment and would inevitably be a prejudiced judgment, and the claimant ought not to be bound by a judgment of that kind.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. NEWTON. I will.

Mr. GREEN of Iowa. My experience induces me to agree with the gentleman from Minnesota. When I first came to the House I was on the Committee on Claims, and I know how the departments acted then, and I know how the departments act recently. I knew about a claim that would not take a jury 15 minutes to decide, but which an officer of the department promptly rejected on the statement of a colored driver of an Army truck. That claimant would be entirely remediless if his claim was left at \$5,000.

Mr. NEWTON. He would, save for the somewhat theoretical remedy which he now has to come to Congress.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. NEWTON. In view of the interruptions, I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOX. Will the gentleman yield?

Mr. NEWTON. I will.

Mr. BOX. I want to call attention to the language "claims up to \$5,000." There is no such thing as appealing from one of these cases tried by the department under this act, because this act places the jurisdiction of the court above that sum. Would the gentleman have an overlapping there?

Mr. NEWTON. Yes; I am glad the gentleman has asked the question. We know what it is to present a claim to the department. For example, they have a report of the post-office inspector on the alleged negligence or conduct of the post-office truck driver. The evidence that comes before the departmental officer is in some instances meager. There is no opportunity for cross-examination. They rely in a large measure on the judgment of the post-office inspector. It is not like a lawsuit; it is not handled like a lawsuit. After you have presented a claim of that kind the law officer says, "No; you are not entitled to it."

I do not see any reason at all why a claimant should then be barred from proceeding in the courts. I can see why, by electing to go into the courts, the departments should then be barred from handling it, because you have then determined the question judicially in a judicial procedure, with the opportunity to have witnesses and to examine and cross-examine; but I can not figure out why a man who feels he has a just claim against the Government should be precluded from going into court if his claim has been before a departmental officer.

Mr. McREYNOLDS. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. McREYNOLDS. Is there any reason why he could not go into court without going to a department?

Mr. UNDERHILL. Yes; because under this bill as it is now drawn, if the claim is under \$5,000, he is precluded from going to the courts.

Mr. McREYNOLDS. I understand that, but in damage suits of this character is there any reason why a lawyer can not bring suit for \$10,000, as they generally do?

Mr. UNDERHILL. I just stated to the gentleman from New York that if we did not do this we will be writing an invitation to increase the amount and to bring the action.

Once more, I want to emphasize the fact that because of the unfortunate and unhappy experience of one or two or three of our Members in going before departments and having their claims turned down, we ought not therefore to amend this bill. The purpose of this bill is to give everybody a chance. We can not cover every remote contingency. I can imagine several things that might come up under this bill if my imagination were elastic enough, that would ruin the bill. What we are trying to do is to do justice and equity to the greatest number. We provide the departmental service for those who can not afford the courts, and we provide courts for those who have larger claims and who can afford the courts. There is no reason in the world why a man who has been before a court and has been refused judgment should then be allowed to come before a department for a smaller sum with the expectation that he might touch their hearts and get something. We have been all through this. We gave plenty of time to the discussion of it. It is just a repetition of what we went through before, and it was defeated overwhelmingly when it came to a vote.

Mr. WHITEHEAD. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. WHITEHEAD. This provision that is sought to be stricken out by the gentleman from Minnesota [Mr. Newton], the first clause of section 7, which prevents the claimant from going to court after he has been to the department, but does it prevent a claimant from coming to Congress?

Mr. UNDERHILL. No. He can not go to court now. One would think to hear some of these people talk that every claimant there is in the United States has an opportunity now to go to the courts, whereas no mother's son can go to court now. We are providing here so that scores or hundreds may go to the courts, and relieve the Congress, and then perhaps Congress might have some time to take up some of these disputed questions with the department.

Mr. NEWTON. I judge from the gentleman's remarks that he has the idea that my amendment would permit a claimant after having gone to the courts to then go to the departments. My amendment does not affect that provision at all.

Mr. UNDERHILL. I know that.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. STEVENSON. This language seems to contemplate stopping people from bringing suit upon claims which have been passed on by the departments, where they are given exclusive jurisdiction under subsection (b) of section 1.

Mr. UNDERHILL. Yes.

Mr. STEVENSON. Is the word "exclusively" still in there?

Mr. UNDERHILL. It is not in there.

Mr. STEVENSON. You have struck that out?

Mr. UNDERHILL. Yes.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BOX. Suppose the amendment of the gentleman from Minnesota [Mr. Newton] is agreed to, under this act, will a man who has a claim for \$5,000 or less then have a right to go into court?

Mr. UNDERHILL. No; positively no. He has no more right than he has now.

Mr. NEWTON. But by returning to section 3 and passing the amendment suggested by the gentleman from New York, he would have that right.

Mr. UNDERHILL. But we are not going to return.

Mr. NEWTON. Of course, the gentleman can prevent our returning, but I want to adopt a measure that will meet some of the problems that Members have. I am not merely trying to get through a bill.

Mr. UNDERHILL. And neither am I.

Mr. NEWTON. The bill as it is now drawn does not meet our situation.

Mr. UNDERHILL. Gentlemen, I am not trying merely to get through this bill. It does not matter to me whether the bill passes or not. I do not believe there is a Member in Congress, however, that it will not affect sooner or later. One of our Members who never had a claim before this committee and never expected to have a claim all at once had to come before the committee with a claim that involved over 2,000 of his constituents only within a year. You do not know what the Government's activities are going to bring about, and if you let the present situation go on as it is the gentleman from Minne-

sota [Mr. NEWTON] and the gentleman from Texas [Mr. BOX] and the gentleman from Massachusetts will not have a chance before Congress to get their claims even printed. We will have to run overtime to print them.

Mr. NEWTON. As far as the gentleman from Minnesota is concerned, he has no chance now.

Mr. BOX. Mr. Chairman, I crave the indulgence of the House. Much has been said here about the manner in which claims get consideration or fail to get consideration after they have been adversely reported on by the departments.

The chairman has within the hearing of the House said that he takes some responsibility for some arbitrary action. He is probably not quite fair to himself in saying that. I want to say to the Members of the House that I can from my place now cite a great many claims, or at least several that come at once to my mind, where the departments have made adverse reports, where they were referred to the subcommittee of which I am a member, reported favorably, and passed by this House.

Mr. NEWTON. If the gentleman has any influence on his committee, will he kindly have some of my bills referred to his subcommittee? [Laughter.]

Mr. BOX. I fear I am inviting too much work.

Mr. McDUFFIE. If that will be done without the passage of this bill, we do not want to stop the good work.

Mr. BOX. Whatever mistakes we may make, I am quite sure that it is not the rule of the committee to consider the finding of a department as final. I myself, with the support of my colleagues on both sides of the table, and with the support of the chairman of this committee, have caused a number of those departmental reports to be overruled and the bills have been ordered paid by this House.

Mr. DEMPSEY. Is not the gentleman's argument the strongest kind of an argument for passing the amendment proposed by the gentleman from Minnesota? What the gentleman from Texas says is true, that his experience with the department is just what you would expect; that they as a rule determine in favor of the Government, just as you would naturally expect them to do. Now, in all these cases where you say the department has ruled one way and your committee has found that the ruling, justly and fairly and equitably and properly, should be the other way, the poor claimant, if this bill is passed, will have no remedy at all unless you adopt the amendment proposed by the gentleman from Minnesota, and say that after the claim has been rejected by the department the claimant can still go to court.

Mr. BOX. With all respect to the gentleman from New York [Mr. DEMPSEY] and the gentleman from Minnesota [Mr. NEWTON], both able gentlemen, the amendment offered by the gentleman from Minnesota does not touch the question he is aiming at.

Mr. DEMPSEY. Why not?

Mr. BOX. If the gentleman will hear me, I think he will see the reason when I state it. The department under this act settles claims under \$5,000.

Mr. DEMPSEY. Wait a minute. When I questioned the gentleman from Minnesota I suggested that we go back to page 3 and strike out, in lines 16 and 17, the words "if the amount exceeds \$5,000."

Mr. BOX. If it is proposed to put that in by another amendment, it may accomplish the purpose he has in mind; but by itself it will not avail.

Mr. DEMPSEY. The two things have to coincide, and we expect the committee will make the two things coincide.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield there?

Mr. BOX. I yield to the gentleman from Louisiana.

Mr. O'CONNOR of Louisiana. I want to ask the gentleman from Texas, does the committee always follow the reports of the departments?

Mr. BOX. I do not always follow the departments for they make mistakes both ways.

Mr. O'CONNOR of Louisiana. Do you follow the department's recommendations where they are favorable?

Mr. BOX. Not in every case, notwithstanding the statement of the chairman, which he makes courageously here. I believe that most members of that committee believe—and there are other gentlemen here who have served on it before—that if a claim comes in with an adverse departmental report and we think it is wrong, it is our duty to do what is right, and we try to do it. If the department recommends an amount that we think ought not to be paid, we do not do it.

Mr. DEMPSEY. There is a question I want to ask with reference to the gentleman's statement. Will the gentleman yield?

Mr. BOX. Yes.

Mr. DEMPSEY. You say that under the present practice when a claim comes in you send it to the department for its recommendation and then when it comes back to the committee you investigate the correctness of their determination. But under this bill you send it down to the department and it makes its determination finally. You do not reserve the right to rectify mistakes or errors of decisions based upon facts which the department puts forth representing the Government.

Mr. BOX. We retain every right that Congress now has.

Mr. DEMPSEY. If it is sent to a department for full investigation and determination, that determination will be final, and you could do nothing.

Mr. BOX. Well, that would be that much relief granted. The remedy is not perfect. But you would have all you have now and more.

Mr. DEMPSEY. You can still go to court?

Mr. BOX. You can go to court.

Mr. DEMPSEY. This opportunity for obtaining relief should be given to the small claimant as well as to the large claimant.

Mr. O'CONNOR of Louisiana. I have a bill for the relief of three men who are employed in the Treasury Department. The Treasury Department has reported favorably upon that bill, and although nothing contrary to that recommendation has been presented to the committee, the committee has never reported out my bill for the relief of those three men.

Mr. BOX. Has the gentleman ever been before the subcommittee or appealed to the chairman for a hearing?

Mr. O'CONNOR of Louisiana. The chairman of the committee [Mr. UNDERHILL] is sitting at the desk and is listening to me. He knows that I have badgered and plagued him for a report, but he is hard-boiled. I do not know why he has not given the relief that I have sought and prayed for without success. [Laughter.]

Mr. BOX. I want to say a word about the work of that committee. The chairman and I are friends, and we try to be co-workers for the Government. Sometimes we put a little different construction on the rules of the committee. I believe that under the rules of the committee when a member requests in writing the reference of a claim to a subcommittee he has a right to have it referred. Sometimes when a man gets an adverse report from the department that ends it with the chairman. Am I right, Mr. Chairman?

Mr. UNDERHILL. If the gentleman will realize that the number of members of the committee is limited, he will understand that if all these requests for reference were granted we would not know how to take care of them.

Mr. BOX. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. McREYNOLDS].

Mr. McREYNOLDS. Mr. Chairman, this bill gives authority to the head of each department to settle claims under \$5,000, and according to this bill that is a bar to any suit. What is there in this bill to prohibit the head of any department, after any claim has arisen in that department, from deciding it ex parte?

Mr. BOX. It is on the judgment and responsibility of the branch of the Government that is helping to carry on the Government. They may be wrong sometimes, but there are not many up there, I think, who would just say, "Here is a fellow with a claim and we will just cut him off with no chance to present his facts." There are very few such men in the departments.

Mr. McREYNOLDS. I do not mean to say that men of that character would go that far, but men are prone to believe their own witnesses or those in their own departments, and that might bar a man who had a just claim from having his proofs properly presented.

Mr. BOX. You mean in court?

Mr. McREYNOLDS. No; I mean before the head of a department.

Mr. BOX. The department would be the judge of the sufficiency of the evidence and of the measure of justice which it administers, and then they can come back to the Committee on Claims.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BOX. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. O'BRIEN. Will the gentleman yield?

Mr. BOX. Yes.

Mr. O'BRIEN. It has been stated that Congress retains jurisdiction. Suppose a claim has not been allowed and it comes back to the House for action, what then will be the

procedure? Would it not then be referred to another committee and the party have two days in court or another day in court?

Mr. BOX. If it is a claim which the Speaker would refer to the Claims Committee it will go to the Claims Committee and receive such consideration as they think it ought to have. I have stated two or three times, and I do not think I am in error about it, that ordinarily where a department has gone over it and made an ascertainment about it that that will create a stronger feeling on the part of the committee that the department has probably settled it and settled it right.

Mr. O'BRIEN. In other words, it would give the party two days in court?

Mr. BOX. He would have two days.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BOX. Yes.

Mr. HUDSPETH. I want to see whether or not the gentleman from east Texas and the gentleman from west Texas understand this bill the same. Under the present law department heads are permitted—and I would like the gentleman from New York to follow me in this—to settle claims up to \$1,000.

Mr. BOX. I think that is right.

Mr. HUDSPETH. If this bill is passed, as I understand it, it will permit department heads to settle claims up to \$5,000?

Mr. BOX. That is right.

Mr. HUDSPETH. Is not that the only change made in the law?

Mr. BOX. As to amount and jurisdiction; yes.

Mr. HUDSPETH. If I understand the idea of the gentleman from New York he desires to confer jurisdiction upon the court, and if that is so he should offer an amendment providing that the court shall have jurisdiction of claims from \$1,000 to \$10,000. That is the way I follow the gentleman, and I would support this kind of amendment. I want just claims to have a day in court.

Mr. DEMPSEY. If the gentleman will yield, it is suggested, if the present amendment prevails, that then leave will be asked to return to page 3 and strike out the words in lines 16 and 17:

If the amount claimed exceeds \$5,000.

Which would give the court jurisdiction of all claims of the nature covered by this bill.

Mr. HUDSPETH. The Federal courts now have jurisdiction of suits where the amount is greater than \$3,000.

Mr. BULWINKLE. Arising out of contract.

Mr. HUDSPETH. Yes. Of course, as to cases in tort it would be a different proposition.

Mr. DEMPSEY. I think there is this difference in the law also: I do not think the present jurisdiction of \$1,000 claims is exclusive. If a man who has submitted his claim in that way has accepted his remedy, of course, he has no resort to the court; but it will put him in a different attitude if we pass this bill and a great deal worse attitude toward Congress.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. NEWTON. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. Newton) there were—ayes 24, noes 39.

So the amendment was rejected.

The CHAIRMAN. The gentleman from North Carolina [Mr. BULWINKLE] asks unanimous consent to return to section 5 for the purpose of offering an amendment giving the United States Code citation. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: On page 4, line 4, after the word "Code," insert "(United States Code, Title 28, secs. 41 and 250.)"

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. (a) The provisions of this title shall not apply to—

(1) Any claim arising out of the loss or miscarriage or negligent transmission of letters or postal matter.

(2) Any claim arising in respect of the assessment or collection of any tax or customs duty.

(3) Any claim for which liability of the Government is recognized by the act of October 6, 1917 (40 Stat. 389), relating to loss or destruction of or damage to personal property and effects of officers and enlisted men and others in the naval service or the Coast Guard; by the act of March 3, 1885 (23 Stat. 350), as amended, relating to loss, damage, or destruction in the military service of private property belonging to officers, enlisted men, and members of the Nurse Corps (female) of the Army; or by the act of March 9, 1920 (41 Stat. 525), or the act of March 3, 1925 (43 Stat. 1112), relating to claims against merchant and public vessels of the United States or of corporations the entire stock of which is owned by the United States.

(4) Any claim arising out of the conveyance, transfer, assignment, or delivery of money or other property or out of the payment to or seizure by the President or Alien Property Custodian of any money or other property in administering the provisions of the trading with the enemy act, as amended.

(5) Any claim arising out of the administration of the quarantine law.

(b) The act entitled "An act to provide for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case," approved December 28, 1922, is hereby repealed, except that any claim accruing prior to such repeal may be considered, ascertained, adjusted, determined, and certified in the same manner and to the same extent as if this act were not law.

(c) The provisions of any act, in so far as inconsistent with the provisions of this title, are hereby repealed to the extent of such inconsistency.

Mr. BULWINKLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: On page 5 strike out subsection 3, lines 1 to 15, inclusive, and insert in lieu thereof the following:

"(3) Any claim for which settlement is provided by the act of October 6, 1917 (secs. 981-982, inclusive, title 34, United States Code), relating to the loss, damage, or destruction of the property of officers and enlisted men in the naval service, in the Marine Corps, and in the Coast Guard; by the act of March 3, 1885 (secs. 218-222, inclusive, title 31, United States Code), as amended, relating to the loss, damage, or destruction of the property of officers, enlisted men, and members of the Nurse Corps (female) of the Army; or by the act of March 9, 1920 (secs. 741-752, inclusive, title 46, United States Code); or the act of March 3, 1925 (secs. 781-790, inclusive, title 46, United States Code), relating to claims or suits in admiralty against the United States."

Mr. BULWINKLE. Mr. Chairman, there are two purposes to be served by this amendment, first to give the citation to the United States Code and, second, to change the wording of the section in the bill somewhat.

The members of the committee will notice, in line 1, on page 5, the language is "any claim for which liability of the Government is recognized." I do not think this is a good expression to use, and the statement in the amendment is "any claim for which settlement is provided" by the various acts, and so forth. I think this clarifies the language, in this particular as well as in some others.

Mr. UNDERHILL. I think also, Mr. Chairman, that is an improvement.

The amendment was agreed to.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: On page 6, in line 6, strike out the period, add a comma, and the following: "And nothing contained in the exceptions in section 8 of this act shall be considered as precluding the Congress from considering claims for injuries or damages arising under said exceptions."

Mr. UNDERHILL. This is merely to clarify the situation, Mr. Chairman.

The amendment was agreed to.

Mr. BULWINKLE. Mr. Chairman, I offer an amendment: On page 6, line 2, after the figures "1922," insert "(United States Code, title 31, secs. 215 to 217)."

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: On page 6, line 2, after the figures "1922," insert "(United States Code, title 31, secs. 215 to 217)."

The amendment was agreed to.

The Clerk read as follows:

TITLE II.—PERSONAL INJURY AND DEATH CLAIMS

SEC. 201. (a) Subject to the limitations of this act the Government of the United States authorizes the payment of claims on account of personal injury or death, if the claim accrued after April 6, 1920, and if the injury or death was either (1) caused by the negligence or wrongful act or omission of any officer or employee of the Government acting within the scope of his office or employment, or (2) attributable to any defect or insufficiency in any machinery, vehicle, appliance, or other materials and such defect or insufficiency was due to the negligence or wrongful omission of an officer or employee of the Government.

(b) No compensation shall be allowed for any such injury or death if the injury or death results from the fact that the person injured or the decedent was intoxicated or under the influence of drugs, or if the injury or death is caused by the willful misconduct of the person injured or the deceased, or by the intention of the person injured or the deceased to bring about injury or death to himself or another. Contributory negligence shall operate to diminish the damages recoverable in proportion to the amount of negligence attributable to the person injured or to the deceased.

(c) No compensation shall be allowed for any such injury or death to the extent that the injury is continued or aggravated, or that the death is caused by an unreasonable refusal or negligent failure to submit to or procure medical or surgical treatment, the risk of which is, in the judgment of the United States Employees' Compensation Commission (hereinafter referred to as the commission), based upon expert medical or surgical advice, inconsiderable in view of the seriousness of the injury.

Mr. UNDERHILL. Mr. Chairman, I offer the usual amendment, changing the date from 1920 to 1925.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: Page 6, line 14, strike out the figures "1920" and insert in lieu thereof the figures "1925."

The amendment was agreed to.

The Clerk read as follows:

SEC. 202. (a) Exclusive authority is hereby conferred upon the commission, acting on behalf of the Government, to consider, ascertain, adjust, and determine any claim liability for which is recognized under section 201, if the amount of the claim does not exceed \$7,500. Such amount as may be found to be due to any claimant shall be certified to the Congress as a just claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That no claim shall be considered by the commission unless filed within six months after the injury or one year after death caused by the injury, except that for reasonable cause shown the commission may allow claims for compensation for such injury to be filed any time within one year after the injury, and except that any claim accrued after April 6, 1920, but prior to the passage of this act, may be filed within one year after the passage of this act.

(b) Acceptance by any claimant of the amount determined under this title shall be deemed to be in full settlement of the claim against the Government of the United States and the officer or employee.

(c) The commission shall by regulation provide for the form and manner in which claims under this title shall be presented before the commission.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: On page 8, in line 6, strike out the figures "1920" and insert in lieu thereof the figures "1925."

The amendment was agreed to.

Mr. BOX. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BOX: On page 7, line 25, after the word "allowed," strike out the colon and insert the words "with a summary of the evidence upon which the allowance was made."

Mr. BOX. Mr. Chairman, this simply makes the clause that deals with settlements made by the Compensation Commission subject to the same regulations that govern a department; that is, when they submit their report they must submit a summary of the evidence upon which they acted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. Box].

The amendment was agreed to.

The Clerk read as follows:

SEC. 204. (a) The compensation for personal injury shall be paid to the injured individual, except that if the individual dies before compensation has been paid, the compensation shall be allowed and paid as in the case of compensation for death.

(b) Compensation for death shall be allowed and paid as follows:

(1) Compensation shall be allowed only for death caused by injury and occurring within three years after the injury; except that no compensation shall be awarded where the death takes place more than one year after the cessation of disability resulting from such injury, or (in the absence of any such disability preceding death) more than one year after the injury.

(2) The compensation shall be allowed and paid to the following beneficiaries:

(A) To the widow or widower, or if there is no widow or widower, then to the children, share and share alike. Compensation to a child shall not be allowed unless the child is unmarried and is either under 18 years of age or, having reached the age of 18, is physically or mentally incapable of self-support. Compensation for a child under 18 years of age shall be paid to the legal guardian.

(B) To any parent or grandparent who was totally or partially dependent for support upon the deceased at the time of his death, having due regard for the extent of the dependency in cases of partial dependency under this paragraph.

(3) The total compensation which may be allowed on account of any one injury, or injury and death caused thereby, shall not exceed \$7,500.

(4) The right of a beneficiary to compensation for death shall not survive the death of such beneficiary.

(c) In addition to the money compensation provided under this title—

(1) In the case of personal injury, the injured individual shall be allowed such expenses for any medical, surgical, and hospital services and supplies (including artificial members and other prosthetic appliances) as the commission adjudges necessary and reasonable for care of or relief from the results of an injury, subject to such regulations as the commission may prescribe with respect to the procurement of such services and supplies.

(2) In the case of death, the personal representatives of the decedent shall be allowed such funeral and burial expenses of the decedent as the commission adjudges to be necessary and reasonable, in an amount not to exceed \$200.

Mr. McDUFFIE. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from Massachusetts a question. On page 9 provision is made for the payment of compensation to a child under 18 years of age or to his legal guardian. In some instances the compensation might be in an amount so small that the expense of having issued letters of guardianship might work a hardship, and I suggest to the chairman the possibility of providing that if the amount is under \$500 the money may be paid to the parent or to one standing in place of the parent. What would be the objection to that?

Mr. UNDERHILL. I can not see any particular objection, except that all of this was taken verbatim from the compensation act that governs Federal employees. And I would prefer to leave it as it is.

Mr. McDUFFIE. I have known cases where the amount to be paid was so small that the expense of procuring letters of guardianship worked a hardship on the person who was to be benefited.

Mr. UNDERHILL. But those cases are very small in number.

Mr. HARE. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. HARE. On page 10, section 3, the total compensation which may be allowed in a case of injury is \$7,500. Suppose in the case of the death of a husband it was found to be due to the negligence of some officer or agent of the Government. Do I understand that the extent of liability would be \$7,500?

Mr. UNDERHILL. Yes. That is an increase of \$2,500 over anything that is allowed heretofore in the last five years. The practice up to that time was to allow \$2,000 or \$3,000.

Mr. HARE. Does that take precedence over the provision that would enable the widow to go into court and ask for payment of the claim?

Mr. UNDERHILL. The widow can not go into court now.

Mr. WHITEHEAD. I move to strike out the last word. Did the gentleman's committee consider the question of flood control and damages caused thereby?

Mr. UNDERHILL. The committee did not, but the chairman of the committee went into that very extensively, and on the best advice he could get found that there is no question that suits could not be brought under this bill.

Mr. WHITEHEAD. What provision in the bill prevents it?

Mr. UNDERHILL. No provision in the bill.

Mr. WHITEHEAD. It is damage to property. In the construction of a levee by an engineer of the Government suppose

there was a faulty levee constructed—and there was negligence or some wrongful omission on the part of the engineers of the Government in constructing the levee which should happen to break and overflow the lands of a large part of the country. Would not a case of that sort come under this bill?

Mr. UNDERHILL. I have advice that it would not.

Mr. WHITEHEAD. I would like to know why it would not come under this bill. It would be negligence on the part of the agents and employees of the Government, and the bill specifically provides that the Government shall be liable for damages resulting from the negligence of its officers, agents, or employees.

Mr. UNDERHILL. I will ask the gentleman if he considers that a matter of tort.

Mr. WHITEHEAD. Certainly. It is damage to property, and it would come under the first title of the bill treating of damage to property and damage to property is a tort, as well as injury to the person.

Mr. UNDERHILL. I can not say of my own knowledge. I simply say that I have considered the matter and have consulted with several in reference to it, and they assured me that flood damage would not come under the provisions of this bill.

Mr. WHITEHEAD. It seems to me that it clearly comes under the first title. I would like to have the chairman of the committee or some member of the committee offer an amendment to make that clear, because the chairman of the committee says it was not the intention of the committee that flood-control suits should be brought under this act. I would suggest that at the end of Title I, where cases in which the Government shall not be liable are stated, you add a new section and say something like this—this bill shall not be applicable to cases arising out of the activity of the Government, its agents, or employees relating to flood control.

Mr. GREEN of Iowa. I think I can answer the question of the gentleman from Virginia. I do not understand ordinarily—of course, a case might arise—but ordinarily there is no duty that devolves on the Government to build a levee. If the Government builds a levee, or provides by law for the building of a levee, and it is not sufficient, it would be no cause of action whatever for the party who suffered damage.

Mr. WHITEHEAD. Suppose there is negligence on the part of the engineers of the Government, would not that come under this title?

Mr. GREEN of Iowa. Not unless there is a duty on the part of the Government to build the levee in the first instance.

Mr. WHITEHEAD. But the law provides for that.

Mr. GREEN of Iowa. Oh, no; the law provides that a levee shall be constructed. The Government does that voluntarily.

Mr. WHITEHEAD. I do not see it that way.

Mr. UNDERHILL. I would say to the gentleman that if it is his belief, and that belief is generally accepted by the Members, I would be very glad, indeed, to have him offer an amendment covering that feature, and consider it at the end of the bill.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word. I suggest to my friend from Massachusetts [Mr. UNDERHILL] that a naked amendment of that sort would not reach the cases that are in the mind of my colleague from Virginia [Mr. WHITEHEAD]. Those cases are not to be confined to the construction of levees, but include all river and harbor work; and if the agents of the Government, any or all of them, in conducting river and harbor work should by negligence or otherwise fail to do the proper thing and cause injury to private property, then under this bill unquestionably there would be liability, and I do not think there can be any doubt that a court would so hold.

Mr. UNDERHILL. Then I would change my suggestion and include the three gentlemen from Virginia—the gentleman from Virginia, Mr. MOORE, and the gentleman from Virginia, Mr. WHITEHEAD, and also the gentleman from Virginia, Mr. MONTAGUE. I suggest that the three of them get together and formulate such an amendment.

Mr. GREEN of Iowa. Let us suppose that a government builds a levee. The levee is built to protect certain lands. Then if that levee is insufficient, I do not see how the government is liable.

Mr. MOORE of Virginia. But the bill provides that when damage is caused by the Government or any agent of the Government there shall be liability. It does not undertake to say how the agent shall be appointed. He is the agent of the Government, and here is a bill explicitly providing that if the agent of the Government does something from which damage results, the Government can be sued and recovery can be had.

Mr. GREEN of Iowa. I fear that I have not paid sufficient attention to the particular form of the bill.

Mr. MOORE of Virginia. My friend is such an able lawyer and has had so much judicial experience that I would be perfectly willing to leave to him the interpretation of the language to which my colleague from Virginia has referred.

Mr. GREEN of Iowa. As the gentleman states the language of the bill, to which my attention had not been called particularly, I am inclined to think that very likely there is something that should be guarded against.

Mr. WHITEHEAD. This bill would place the Government in the situation of an individual, and we all know that if an individual builds a dam across a river and backs up water, and that water injures the property of the riparian owners, he is liable for damages, or if the dam breaks by reason of negligence of the owner and overflows land below, then the owner of the dam or the man who built it is liable.

Mr. GREEN of Iowa. I am very glad that my attention has been called to that. I think we better do that.

The Clerk read as follows:

Sec. 205. As used in this title—

(a) The term "child" means (1) a legitimate child, (2) a child legally adopted prior to the death of the deceased, (3) a stepchild, if a member of the deceased's household at the time of his death, (4) a posthumous child, and (5) an illegitimate child, but as to the father only, if acknowledged in writing by him, or if he has been judicially ordered or decreed to contribute to such child's support or has been judicially decreed to be the putative father of such child.

(b) The term "widow" means the deceased's wife living with or dependent for support upon him at the time of his death, or living apart from him at such time because of his desertion.

(c) The term "widower" means the deceased's husband, but only if dependent in whole or in part for support upon the deceased at the time of her death.

(d) The term "parent" means a father, mother, father or mother through adoption, stepfather, stepmother, and persons who have stood in loco parentis to the deceased for a period of not less than two years just prior to his death.

(e) The term "grandparent" means a grandfather or grandmother.

Mr. COCHRAN of Missouri. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN of Missouri: Page 11, subdivision (c), strike out lines 10, 11, and 12 and substitute the following: "(c) The term 'widower' means the deceased's husband living with her at the time of her death."

Mr. COCHRAN of Missouri. Mr. Chairman, the necessity for securing legislation of some kind to reimburse those who are to be provided for in this bill is so great I propose to vote for this measure rather than postpone the day of getting relief in these cases, although I want to say there are certain provisions in the bill which do not have my approval.

We are conferring a judicial power upon the Compensation Commission, as it differs from the workmen's compensation act in this, that under the workmen's compensation act compensation is granted to any employee who is injured in the performance of his duty, and very little is left to the commission except the determination of the nature and extent of the injury.

The amendment I offer provides that the term "widower" means the deceased's husband living with her at the time of her death.

Under the wording of subdivision (c) a husband can not recover unless it could be shown he was financially dependent upon his wife.

By the death of a wife the husband suffers not only the loss of companionship but very grievous financial loss. It might be necessary for him to employ some one to take care of his home, or to place his children with some relative or in some boarding school or home at a very considerable expense, and to deprive him of recovery under such circumstances simply because he was not financially dependent for support upon his wife would be a very great injustice.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. UNDERHILL) there were—ayes 10, noes 30.

So the amendment was rejected.

Mr. WELSH of Pennsylvania. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee what provision is made for an illegitimate child where the father has not been determined by a judicial inquiry?

Mr. UNDERHILL. This whole matter pertaining to these claims is taken verbatim from the Federal workmen's compensation act. I did not feel justified in changing the provisions

of that act or placing the citizens in a different class from the employees of the Government.

Mr. WELSH of Pennsylvania. Does not the gentleman think that an illegitimate child of a woman who has been injured as a result of negligence on the part of the Government stands in a more deserving position, from the standpoint of equity, than the employee of the Government?

Mr. UNDERHILL. It might be, but I did not feel that I was the one to adjudicate that question when it had been gone over by those who are wiser than I.

Mr. WELSH of Pennsylvania. I would like to have an opportunity to offer an amendment under this section, Mr. Chairman. I have not the amendment written out.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

Mr. WELSH of Pennsylvania. I have not written it out. It is in line 5, of page 11, after the word "child," to amend by inserting the words "Provided, That an illegitimate child, whose father has not been judicially determined by a competent court, shall have the same rights as a legitimate child under this act." I may ask leave to change the exact wording a little later on.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. WELSH of Pennsylvania: Page 11, line 5, after the word "child," insert "Provided, That an illegitimate child whose father has not been determined by a competent court shall have the same rights as a legitimate child under this act."

Mr. WELSH of Pennsylvania. Mr. Chairman and gentlemen of the House, I offer this amendment for this reason: The illegitimate child has a definite status under the laws of most of the States of the Union. Under the laws of many of the States an illegitimate child whose father has not been determined by a competent court and his right of support fixed by such court inherits from the mother. Unless this bill is amended in such a way as has been proposed, if the mother of an illegitimate child is killed as the result of negligence on the part of the Government of the United States and that child's father has not been determined by a competent court, that illegitimate child, notwithstanding the fact that the death of the mother has resulted from the negligence of the United States Government, has no redress.

I ask Members of the House if that is a fair method of dealing with a child whose rights and chances are hard enough anyhow?

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. MOORE of Virginia. If the bill should pass as it stands and there were a failure to adopt the gentleman's amendment, the provision would be at variance with the laws in effect in all the States?

Mr. WELSH of Pennsylvania. Yes.

Mr. HUDSPETH. Does the gentleman's amendment cover children who are the issue of a common-law marriage? A common-law marriage in my State is recognized.

Mr. WELSH of Pennsylvania. It is so in Pennsylvania, my State. In such a case no question would arise in my State.

For many years I have had occasion to deal with illegitimates in the great city of Philadelphia, and the hardship is plain. I think if you could see this question in all its fullness you would say that this is only common justice and equity. I do not think the Members of the House will want to withhold fair play to an illegitimate child who is born into the world without any fault of its own and whose lot in life is hard enough anyhow. I do not care whether the law with reference to the Federal compensation is in accordance with this amendment or not. We are here to do justice as we see it under the circumstances, and, gentlemen of the House, I hope you will pass this amendment. [Applause.]

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the following title:

H. R. 8216. An act to confer authority on the United States District Court for the Western District of Virginia to permit J. L. Sink, a bankrupt, to file his application for discharge and to authorize and empower the judge of said court to hear and determine the same.

The committee resumed its session.

GENERAL CLAIMS BILL

Mr. UNDERHILL. Mr. Chairman, as I have said before several times, the bill is not intended to cover every individual

case or remote cases of imagination which might be conjured up. It is supposed to be general in its character. The phraseology of this section of the bill is taken literally, verbatim, word for word, and punctuated from the regular Federal compensation law. I do not think I am justified in passing judgment upon the wisdom of that law or attempting to amend it and give to the general citizenship of the country a status different from that given to any other class; that is, Federal employees. We might possibly be touched in our hearts and feel a great sympathy with the amendment offered by the gentleman, but I think it would be very unwise to change the compensation law in this particular respect.

Mr. BULWINKLE. That is the thing we are trying to get away from, as in the case of the amendment offered by the gentleman from Missouri [Mr. COCHRAN]. Without the amendment of the gentleman from Missouri if any Member of this House is not dependent on his wife for support and his wife is killed he could not recover one cent from the Government. He could not recover unless he could show dependency. We are not trying to enact a compensation law as to all classes in the United States. I think careful consideration should be given to some of these amendments.

Mr. McDUFFIE. If this law is put on the statute books it is going to be regarded by many people as something that ought not to be changed. I think, regardless of what the committee is going to do, the suggestion made by the gentleman bears out other suggestions that have been made here. When once we write this into law it will become more and more difficult to get relief for claimants.

Mr. BULWINKLE. I do not think that was understood when we voted on the Cochran amendment.

Mr. HUDSPETH. Is the gentleman opposed to the amendment offered by the gentleman from Pennsylvania, under which many cases might be included?

Mr. BULWINKLE. Oh, no.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. WELSH]. The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. UNDERHILL. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is asked for. The question is on agreeing to the amendment.

The committee divided; and there were—ayes 31, noes 23.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 208. The provisions of this title shall not apply to—

(a) Any claim for which compensation is provided by the Federal employees' compensation act, as amended, or by the World War veterans' act of 1924, as amended.

(b) Any claim for injury or death incurred in line of duty by any member of the military or naval forces of the United States in cases where relief is provided by other law.

Mr. BULWINKLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: Page 14, line 19, after the word "amended," insert "(United States Code, title 5, ch. 15)."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BULWINKLE. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: Page 14, line 20, after the word "amended," strike out the period, insert a comma and "(United States Code, title 28, ch. 10, as amended)."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 209. The act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, is amended by adding at the end thereof a new section to read as follows:

"SEC. 43. That this act may be cited as the Federal employees' compensation act."

Mr. BULWINKLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: Page 15, line 4, after the word "amended," insert "(United States Code, title 5, ch. 15)."

Th: CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 301. When used in this act—

(a) The term "department or establishment" means any executive department or independent establishment not in the legislative or judicial branches of the Government, or any corporation acting as a governmental instrumentality or agency in which the United States owns or controls 51 per cent or more of the voting shares and securities;

(b) The term "officer or employee of the Government" means any officer or employee of any department or establishment as above defined, any member of the military or naval forces of the United States, or any other person acting on behalf of the United States in any official capacity under or by authority of any such department or establishment; and

(c) The term "acting in the scope of his office or employment," in the case of any member of the military or naval forces of the United States, means acting in line of duty and, in the case of an officer or employee of any corporation acting as a governmental instrumentality or agency, means acting in the execution of a governmental activity.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: Page 15, line 16, strike out the semicolon, add a comma, and the following: "but shall not include the Panama Railroad."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 302. In any claim brought under this act the head of the executive department or other independent establishment or governmental instrumentality shall, as a part of the determination or decision, determine and allow reasonable attorney's fees, not to exceed 15 per cent of the amount recovered, if recovery be had, to be paid out of the amount recovered to the attorneys of the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount other than that allowed under this section, if recovery be had, shall upon conviction thereof be subject to a fine of not more than \$2,000 or imprisonment for not more than one year, or both.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment. On page 16, line 7, after the word "establishment," insert a comma and the word "court," so as to read: "establishment, court, or governmental instrumentality."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: Page 16, line 7, after the word "establishment," insert a comma and the word "court."

Mr. BLANTON. So that the limitation as to the fees an attorney may lawfully charge will apply to a judgment in court as well as to an adjudication by the department. That is the purpose of the amendment?

Mr. UNDERHILL. Yes. That was inadvertently left out.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUDSPETH. Mr. Chairman, I offer an amendment. In line 9, page 16, strike out the figures "15" and insert the figures "10."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 16, line 9, strike out the figures "15" and insert in lieu thereof the figures "10."

Mr. UNDERHILL. Mr. Chairman, I am not going to offer any strenuous objection to this except to say it has been the practice of the committee in the past to make this a 15 per cent limitation. I have never tried a case in my life and therefore, as I say, I shall not make any strenuous objection to this amendment.

Mr. HUDSPETH. I want to say, Mr. Chairman, that when they go before a department a Congressman will do the work, so that if an attorney receives 10 per cent that is sufficient.

Mr. RAMSEYER. Mr. Chairman, just a word before we rush over this hastily. This includes an action in court, and there is not a lawyer here who has taken a case in court on a contingent basis that has ever charged as little as 10 per cent where his entire fee depended upon the success of his efforts.

Mr. HUDSPETH. Does the gentleman contend that when an attorney presents a case to the department through his Congressman he ought to have as much as 15 per cent?

Mr. RAMSEYER. But this includes cases in court.

Mr. HUDSPETH. Since the gentleman has stated that this includes cases in court, I think the lawyers ought to receive more than 10 per cent, and I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I offer an amendment to strike out the enacting clause.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLANTON: On page 1, lines 1 and 2, strike out the enacting clause.

Mr. BLANTON. Mr. Chairman, I do this, knowing there is no chance in the world of accomplishing my purpose, but I do it to expedite the time of the House. There ought to be a roll call on this bill, but it is so late I hesitate to ask the Members to come over when so few would register their votes against this bill.

This is one of the wildest pieces of legislation that has been sought to be passed since I have been here, and it is going to come home to plague some of you as sure as you live. We can get at least a rising vote here, and I take it there will be half a dozen here who will vote against the bill, and there ought to be a record here that at least half a dozen Members of this House do not believe in this kind of legislation, and do not believe in passing the responsibility which the Constitution places upon our shoulders to some bureau chief.

Mr. TILSON. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. TILSON. The gentleman can get a roll call on this bill if he will allow it to go to the previous-question stage. We shall not have the roll call to-night, but will have it to-morrow.

Mr. BLANTON. With that understanding, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Sec. 303. Section 173 of the Judicial Code is amended to read as follows:

"Sec. 173. No claim shall be allowed by the accounting officers or the head of any executive department or other independent establishment or governmental instrumentality or by any court of the United States, or by the Congress to any person where such claimant or those under whom he claims shall willfully, knowingly, and with intent to defraud the United States have claimed more than was justly due in respect of such claim or presented any false evidence to Congress or to any department, establishment, instrumentality, or court in support thereof."

Mr. BULWINKLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: Page 16, line 18, after the word "Code," insert a comma and the following: "(United States Code, title 28, sec. 280)."

The amendment was agreed to.

Mr. McDUFFIE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McDUFFIE: Page 17, line 1, strike out line 1 after the word "have" down to and including the word "or," in line 2.

Mr. McDUFFIE. Mr. Chairman and gentlemen, this amendment strikes out the language, "claimed more than was justly due in respect of such claim." Who is going to be the judge of whether they have claimed more than was justly due? I submit to the chairman of the committee that it is perfectly proper to bar a claim and the man who makes a false affidavit in an effort to establish a spurious claim. This is proper and should be done, but when you go so far as to say that a man must be barred because he has claimed more than is justly

due, then you are entering a field where it is almost impossible for anybody to pass judgment on the merits of a case.

Mr. UNDERHILL. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. UNDERHILL. This is the exact wording of the law which has worked so efficiently and so delightfully that I do not know but what it may be followed here.

Mr. McDUFFIE. The gentleman repeatedly, this afternoon, has referred to a law that is already upon the statute books. We are trying to improve the law, as I take it. Just because it is now the law does not make it a sacred thing. Again I say, the very reason I am fearful about the results of this legislation is that when we come to Congress hereafter with a bill for the relief of some claimant, some one on the floor will refer to this statute and say, "By express act of Congress you have had your day in court, and the department has said you are not entitled to relief; therefore I object to the consideration of the bill."

The laws that are already on the statute books are subject to change. Are our laws to be like the laws of the Medes and Persians? If necessary, any statute should be changed to meet new conditions. Who is going to pass judgment on the question of whether a man is claiming more than is justly due? It looks to me as if it were a foolish provision.

Mr. BEEDY. Will the gentleman yield?

Mr. McDUFFIE. I yield with pleasure to the gentleman from Maine.

Mr. BEEDY. I would like to ask the chairman a question. The gentleman states this law has long been on the statute books. How in the world has any claim ever been passed upon that involved this broad question as to what was justly due or that the amount claimed was more than was justly due?

Mr. UNDERHILL. Well, I suppose some man with a mind that was trained in some law school thought this was necessary. I do not know.

Mr. McDUFFIE. I doubt that very much.

Mr. UNDERHILL. I am not the author of it, and would never have written it except you will notice on the same page the language, "shall willfully, knowingly, and with intent to defraud," and so forth.

Mr. RAMSEYER. The chairman has the correct idea about that. It is not the presenting of claims for more than is justly due, but the presentation of such a claim, willfully, knowingly, and with intent to defraud. That is what is intended to be covered in this section.

Mr. BEEDY. If the gentleman please, if a man has presented a claim which has been proven to have been willfully and knowingly presented with intent to defraud, then the rest of it is mere surplusage.

Mr. RAMSEYER. No; if he presents a claim for more than is justly due or presents any false evidence, willfully, knowingly, and with intent to defraud. It is not the mere presentation. Some witness might give false evidence. The mere filing of false evidence alone would not be sufficient to bar his claim. The claimant must do this willfully, knowingly, and with intent to defraud.

Mr. McDUFFIE. Then is not the language with respect to claiming more than is justly due mere surplusage? Of course, if the claimant is willfully and knowingly trying to defraud the Government that is as far as we need go.

Mr. RAMSEYER. If a person presented a claim for \$10,000 and honestly thought he was entitled to that amount, when in truth and in fact he was only entitled to \$3,000—

Mr. McDUFFIE. Who is going to say whether or not he was honest in doing that?

Mr. RAMSEYER. Of course, the question of fraud and of willfulness and whether it was knowingly done has to be determined by somebody. As to claims up to \$5,000 this will be decided by the department head and from \$5,000 up it will be decided by the courts.

Mr. McDUFFIE. Suppose a claim was filed for many times as much as ordinarily would seem to be just and right?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. RAMSEYER. Mr. Chairman, I move to strike out the last two words, in order to give the gentleman from Alabama an opportunity to finish his statement.

Mr. McDUFFIE. Suppose the department head were to decide that the claim was for so much more than seemed proper it was willfully done with a view to defraud the Government. I dislike to find myself differing with many here whose judgment I respect so much, but I am very fearful as to the results of this legislation. It occurs to me that we should provide some machinery in this House to deal with this problem and not surrender the legislative prerogatives of the Congress to the bureaus of this Government. I am not unmindful of the ap-

parent difficulties confronting the Claims Committee, but it does seem that we are here proposing to shift our responsibilities to those bureaus. Surely we already have enough bureaucratic control in our Government. These bureau chiefs and department heads already have just as much as they can do. I do not believe they want any such further responsibilities placed upon them. To make them judges of the law and the facts and give them the power to determine in ex parte proceedings the rights of citizens having claims against the Government, is carrying this thing too far. If the Congress is incapacitated to deal with this problem of claims against the Government then I am mistaken in my judgment of the ability of its Members. If the Claims Committee, composed as it is of most estimable and hardworking Members, can not cope with the problem, let us enlarge the membership of the committee, or create within the membership of the Congress an additional committee or commission to aid in the adjudication of these claims.

The language of this section was written in another law, wherein a commission passed judgment upon claimants' rights; but here one man, a bureau chief, can, if he is so disposed, arbitrarily decide that the claim filed, because of the amount asked, is filed with the willful intent to defraud, and where on earth is there any right to appeal from his decision in so far as this bill is concerned? With all due deference and respect for those who have sponsored this bill, I believe the day will come when they themselves will regret writing into the law of our land the provisions of this bill. I realize my protest against this bill will not prevent its passage, but I can not remain silent nor can I approve this venture into a new, unknown, and uncharted sea. I fear for those citizens who may come in the future to their Government praying for relief in small amounts. Why should Members of Congress remain here if our bureaus are to legislate? We surrender more and more every year to bureaucracy. What will the harvest be?

Mr. RAMSEYER. I will say to the gentleman that, so far as this language is concerned, I think it is all right. I am opposed to the first title of the bill, and I am going to vote against it.

Mr. McDUFFIE. I think we will all rue the day we vote for it.

Mr. RAMSEYER. If the first part of the bill were properly guarded and provided for judicial review in claims up to \$5,000, where the chief or head of the department has passed upon it and decided against it, and a proper limitation placed on the amount the Government could be sued in tort cases, I might vote for it. However, this particular provision is all right, and I think is a proper provision in the law. The vicious part of the bill is Title I as it now is before us.

Mr. UNDERHILL. This very language has been used in the law ever since 1874, and I do not know that anyone has ever questioned it.

Mr. BEEDY. May I now ask the gentleman a question?

Mr. RAMSEYER. I yield.

Mr. BEEDY. I ask this question of the gentleman as a lawyer. If after one proves a case of fraud, does not this language add an additional burden?

Mr. RAMSEYER. The claimant is not in there to prove fraud.

Mr. BEEDY. Suppose we attempt to punish a man under this provision, and having proved that he is guilty because he presented a fraudulent claim, why go further and necessitate proof that he has asked for more than was justly due? Who knows what is justly due?

Mr. RAMSEYER. If he seeks more than is justly due with intent to defraud, his claim must be disallowed under this section. If it was without such intent, it does not bar him.

Mr. McDUFFIE. Would not he be shut out absolutely if the officer or department head passing upon his claim decided his claim was fraudulent and that he was not entitled to anything? Remember, too, from that decision he has no appeal.

Mr. RAMSEYER. The trouble is not with this section; the trouble lies in the first title of the bill.

Mr. McDUFFIE. We may have to take the bill whether we like it or not.

Mr. RAMSEYER. Then vote to defeat it, as I intend to do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected. The Clerk proceeded with and concluded the reading of the bill.

Mr. MONTAGUE. Mr. Chairman, I move to strike out the last word. My own views on the bill are so firmly fixed that I will not have relieved myself of my duty unless I express my opposition to the measure. I am opposed to the bill for many reasons. There is no time now for me to express them in any systematic way. In the first place, looking at it as a

protection to the Government, claims for injuries and damages will be determined by the clerical force of the departments—and that is the danger of the measure—we leave it to this clerical force, without qualification or training, to decide claims for negligence up to \$5,000.

Are we, the representatives of the Government, to turn over this great duty to pass upon claims amounting to millions and millions of dollars to officials without qualifications and wholly unjudicial by reason of the very nature of this work? I should hope not.

Second, the bill denies to all claimants of damages up to \$5,000 and under the right of suit or the right of review. I repeat this, because in claims exceeding this amount, on the other hand, there is given the right of suit in court to those whose claims exceed this amount. Therefore we make a marked discrimination between the poor people and the well to do, between claims of \$5,000 and those of larger sums, giving one remedy to one and two remedies to the other. I for one am not willing to subscribe to such arbitrary inconsistency, to such cruel injustice.

Coming now to the practical working of the bill, whenever the certification by these clerks is against the payment of the claim, I submit that will end it. The reply is made that there will be as much right then to introduce a bill into the House as now. Technically that is true, but practically that is not true, because as soon as the bill is rejected by the department you will not be able to bring it up in this House again, no matter how meritorious it may be. Why? Because the bill has been rejected in pursuance of the law that gave the specific power to the department to do that very thing.

Those are some of the reasons why I suggest that we are not improving our present unhappy condition and why I think we will suffer less from the injustices we bear than those to which we would fly. [Applause.]

Mr. BULWINKLE. Mr. Chairman, I ask unanimous consent to return to page 11, line 10, for the purpose of reoffering the amendment offered by the gentleman from Missouri [Mr. COCHRAN], which I know the Members of the House did not understand when they voted it down.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to page 11 for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. BULWINKLE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: Page 11, subsection (c), strike out the subsection and substitute the following:

"(c) The term 'widower' means the deceased's husband living with her at the time of her death."

Mr. BULWINKLE. Mr. Chairman, under the provisions of this section of the bill no man could recover for the wrongful death of his wife unless he were dependent upon her for his support. In the Committee on Claims we have had claims in which constituents of ours have been given certain amounts, usually \$5,000, on account of the wrongful death of a wife. It would not make a particle of difference who the man was, whether it be you or one of your constituents, who lost his wife through any kind of negligence on the part of any Government employee acting within the scope of his authority, under the language of the bill you could not recover one cent, because you are not dependent upon her. I think this amendment clearly should be agreed to if the bill is to become a law.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. WHITEHEAD. Mr. Chairman, I ask unanimous consent to return to page 5 for the purpose of offering an amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WHITEHEAD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. WHITEHEAD: Page 5, after subsection (5), add two new subsections, as follows:

"(6) Any claim arising out of the activities or work of the Government, its agents or employees, relating to flood control.

"(7) Any claim arising out of the activities of the Government, its agents or employees relating to river and harbor work."

Mr. GREEN of Iowa. Mr. Chairman, just one word. I entirely agree with the amendment offered by the gentleman so far as it goes, but think we ought to have a very much broader provision. However, I agree that the bill will be im-

proved with this provision, but I hope when it goes to the other House it will be broadened.

Mr. WHITEHEAD. I think that covers those propositions about as broadly as you can make it. There may be other things that should be included as well. In the event there is a committee on conference on this bill, that committee might work out a much broader amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. UNDERHILL. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LaGUARDIA, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. UNDERHILL. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

EXECUTION OF CERTAIN AGREEMENTS OF INDEMNITY

Mr. GREEN of Iowa. Mr. Speaker, I present a privileged report by direction of the Committee on Ways and Means.

The SPEAKER. The gentleman from Iowa presents a privileged report, which the Clerk will report.

The Clerk read as follows:

Report on the bill (H. R. 10954) to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.

The SPEAKER. Ordered printed.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON, from the Committee on Appropriations, submitted for printing under the rule a conference report and accompanying statement on the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes.

AN UNDESIRABLE LOBBYIST

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for three minutes in reference to a matter involved in the conference report on the Interior Department appropriation bill; and I also ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. Mr. Speaker, a circular of scandalous character has been distributed among many Members. None was sent to me by its author, though it is directed against me, but a copy was handed to me. It contains a number of elaborate misrepresentations and falsehoods, as I myself would know to expect from the signatures, but the House should understand it as well.

The circular reads as follows:

FEBRUARY 15, 1928.

ONE MAN DOMINATING THE SENATE AND HOUSE—THE SHAME OF THE FLATHEAD INDIAN SPOILIATION

An unconscionable situation has come about.

Against a unanimous Senate and the unanimous action of the Senate conferees, the spoliation of the Flathead Indian Tribe is about to be insured, and the biggest water power in the Northwest is about to be given to the lowest corporate bidder for a sum more than \$11,000,000 below the proper commercial rental.

The House, totally uninformed, is being used as a battering ram by one man—Mr. LOUIS C. CRAMTON, chairman of Appropriations for the Interior Department.

Mr. CRAMTON closed his appropriations hearings to those who would have exposed his scheme.

He and his House conferees refused to sit with the Senate conferees to hear the realities presented. Even Senators WALSH, WHEELER, and LA FOLLETTE could not be heard by Mr. CRAMTON.

No word of debate on this outrageous scheme has passed on the House floor.

Because Mr. CRAMTON tied this scheme into the general appropriation bill, he apparently will triumph in it. The Senate can not permanently hold up the general appropriation bill.

House Members might yet redeem the situation if they would rise on the floor and insist on the light being shed.

What a spectacle of parliamentary government!

THE AMERICAN INDIAN DEFENSE ASSOCIATION (INC.).
THE NATIONAL COUNCIL OF AMERICAN INDIANS (INC.).
THE FLATHEAD TRIBE,

By A. A. GRORUD, General Attorney for the Tribe.

No spoliation of the Flathead Tribe is about to be "insured." No water power is about to be given to the lowest corporate bidder. The Interior bill gives no water power to anyone, it only authorizes the Federal Water Power Commission "in accordance with the Federal water power act and upon terms satisfactory to the Secretary of the Interior to issue a permit," and so forth. The House is not totally uninformed, but on the contrary many of its Members have for three years made a study of the Flathead problem, long hearings of reputable witnesses have been held, and the question has been several times before this House; and the proposition now in the bill is substantially as sent to Congress by the President in his budget. I did not close our hearings to anyone who could give our committee information, but we did not, for obvious reasons, hear John Collier or this Grorud person.

From whom, then, can come such effrontery, such scandalous mess of falsehoods?

It is signed by the American Indian Defense Association (Inc.), which is run by John Collier, whom I discussed on this floor. Also signed by the National Council of American Indians (Inc.), a subsidiary of the other corporation.

Also it is signed "The Flathead Tribe, by A. A. Grorud, general attorney for the tribe," who no doubt wrote it.

He is not their attorney, general or special. What he really is is set forth in a letter addressed to Mr. Richard A. McLeod, an Indian of Ronan, Mont., from Mr. R. Lee Word, who is an ex-judge of the Supreme Court of Montana, which reads as follows:

HELENA, MONT., December 24, 1927.

MR. RICHARD A. McLEOD,
Ronan, Mont.

DEAR SIR: I answer your letter of the 16th, but mailed the 19th, as follows:

In June of last year was employed to look into the estate of H. H. Potting, deceased, and find why it was that with no claims of any consequence and no debts there was no money for the heirs who lived in St. Louis.

Looked into the matter, examined the records of the court in the case, talked with the judges, the county attorney, and others, and learned:

That Grorud had been both the attorney for the purchaser of the property belonging to the estate and attorney for the estate at one and the same time, without the knowledge or consent of the judges of the court of this county.

That Grorud had been given a check for \$250 by his client, the purchaser of the property, to buy of the estate he represented its property. This check Grorud deposited to his own credit in the bank.

Grorud made a bid of \$250 for the property of the estate and the return of sale and the order confirming sale as originally made and filed recited that the property of the said estate had been sold for \$250; but

After said papers and orders had been filed in and become a part of the records in said case Grorud erased said figures \$250 or attempted to do so, and wrote over them the figures \$131.15 as the amount bid by his client for the property of said estate.

To put it succinctly, I charged Grorud with having committed in the Potting case a fraud upon the court; with having altered and mutilated the records of said court; with having embezzled \$118.85 of the moneys of said estate; with having filed false vouchers in said estate; and I am informed that the attorney selected by the supreme court of the State to make a preliminary survey of the charges contained in the complaint filed by me was reported to the court that each and all of said charges are sustained by the record and evidence.

Does the above answer your letter?

Yours very truly,

R. LEE WORD,
Attorney at Law.

Guilty of fraud upon the court, altering and mutilating records of the court, embezzling small sums from his Indian clients, for whom he pretends to be so zealous, he is now trying to show cause why he should not be disbarred.

I also desire to put into the RECORD a statement from the Commissioner of Indian Affairs, Hon. Charles H. Burke, in which he charges Mr. Grorud with falsehoods, and says he is not now attorney for the Indians, but when he was their attorney he was so negligent that the Flatheads lost important rights:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 30, 1928.

HON. REED SMOOT,
Chairman Interior Department Subcommittee,
Appropriations Committee, United States Senate.

MY DEAR SENATOR SMOOT: Referring to the statement of A. A. Grorud before the Appropriations Committee this morning that there was an understanding that he would not be expected to file a petition in behalf of the Flathead Tribe under the Flathead jurisdictional act of March 13, 1924 (43 Stat. L. 21), and also his statement about splitting attorney fees; you are advised that both of these statements made by Mr. Grorud are without any basis of fact and are absolutely false in their entirety.

Mr. Grorud had a contract to represent the Flathead Indians under the jurisdictional act, but he failed to file the petition in the Court of Claims within the time limit in that act, and therefore the Flathead Indians have lost their opportunity to prosecute their claims under the jurisdictional act because of the neglect and failure of Mr. Grorud to perform his duties under the contract.

It is contended by Mr. Grorud that he has authority to represent the Flathead Tribe on other tribal matters. This also is an incorrect statement. The law—section 2103 of the Revised Statutes—requires such contracts to be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, but no such contract with Mr. Grorud has ever been approved.

Mr. Grorud has attempted to collect considerable money amounting to approximately \$10,000 from the Flathead tribal funds for alleged services rendered to the tribe as their alleged attorney. This claim has not and will not be paid because he has no such contract and no authority under existing law to represent those Indians in tribal matters other than as referred to in the contract under the jurisdictional act.

The statements of Mr. Grorud before the committee, both on Saturday and this morning, in regard to Indian matters generally, are equally as untrue as are his other statements referred to herein.

The five-year program criticized by Mr. Grorud is one of the outstanding efforts of the Indian Bureau to make Indians industrious and self-supporting citizens, so that they may live in good homes, cultivate their lands, raise stock, and have an income of their own.

Mr. Grorud has repeatedly tried to create the impression, both in the minds of the Flathead Indians and in the minds of the public at large, that the Indian Bureau is endeavoring to deprive the Flathead Indians of their rights to the proceeds from the Flathead power sites. No such action is contemplated by the Indian Bureau. Our contention is that the net proceeds from the power development on the Flathead Reservation should go to the Flathead Indians. However, no contract of any kind has been made in regard to the development of the power sites on the Flathead Indian Reservation.

Cordially yours,

CHAS. H. BURKE, Commissioner.

I call attention to this letter so that the House may understand what kind of an irresponsible and undesirable mind could originate such a circular as is put before you. The courts of Montana can disbar him from practicing before them. Congress should be able to exile such an undesirable lobbyist from its corridors.

As to the matter referred to therein, the claim that the Flathead Indians are being despoiled of what belongs to them, and that the water power is being given to a great corporate bidder, that will be brought up for discussion in the consideration of the conference report hereafter.

REPLY OF PUBLIC PRINTER GEORGE H. CARTER TO THOMAS L. BLANTON

MR. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

THE SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MR. BLANTON. In connection with my report on the Government Printing Office, which was printed in the RECORD of December 7, 1927, the Public Printer desires to have his defense of his office go in the permanent RECORD in connection with that report at the end of my speech. I have submitted the matter to the Speaker, and it is satisfactory to the Speaker. The personal allusions in his letter have been shown to the Speaker and they will be eliminated. I ask unanimous consent that that be inserted in the permanent RECORD at the end of my speech December 7, 1927, in accordance with the arrangement with the Speaker.

MR. SNELL. Mr. Speaker, will the gentleman yield?

MR. BLANTON. Yes.

MR. SNELL. I understand nothing is to be inserted but that letter?

Mr. BLANTON. Nothing else. Some personal allusions in the letter are to be eliminated, which the Speaker understands.

Mr. SNELL. He approves of it?

Mr. BLANTON. Yes.

Mr. TILSON. This is in relation to the letter received from the Public Printer some time ago?

Mr. BLANTON. Yes. That letter, with the personal allusions eliminated, goes into the permanent Record at the end of my report of December 7, 1927.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, Mr. THOMPSON was granted leave of absence, from Monday, February 13, to Saturday, February 18, inclusive, on account of business.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2348. An act granting the consent of Congress to the Norfolk & Western Railway Co. and Knox Creek Railway Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River near Devon, Mingo County, W. Va.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Friday, February 17, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 17, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON LABOR

(10 a. m.)

To divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases (H. R. 7729).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Providing for the garnishment of and levy of execution on wages and salary of civil employees of the United States (H. R. 8322).

COMMITTEE ON THE LIBRARY

(10.30 a. m.)

To consider proposals to erect monuments and tablets.

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To consider proposed legislation on Army construction.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 358, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of \$150,000,000 per annum for two years (H. R. 7019).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the increase of the Naval Establishment (H. R. 7359).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the War Department (Rept. No. 692). Ordered printed.

Mr. McSWAIN: Committee on Military Affairs. H. R. 6492. A bill to authorize the Secretary of War to donate to the city of

Charleston, S. C., a certain bronze cannon; without amendment (Rept. No. 695). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. S. 1605. An act to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif.; with amendment (Rept. No. 696). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 68. A bill to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain; with amendment (Rept. No. 697). Referred to the Committee of the Whole House on the state of the Union.

Mr. W. T. FITZGERALD: Committee on Invalid Pensions. H. R. 10159. A bill granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes; with amendment (Rept. No. 698). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 10954. A bill to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.; without amendment (Rept. No. 700). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WRIGHT: Committee on Military Affairs. H. R. 2525. A bill for the relief of William Henry Judson; without amendment (Rept. No. 690). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. H. R. 6152. A bill to correct the military record of Cromwell L. Barsley; with amendment (Rept. No. 691). Referred to the Committee of the Whole House.

Mrs. KAHN: Committee on War Claims. H. R. 1625. A bill to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claffin, and Edwin A. Wells; without amendment (Rept. No. 693). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. H. R. 2530. A bill for the relief of William H. Nightingale; without amendment (Rept. No. 694). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 9368. A bill to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania; with amendment (Rept. No. 699). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10815) for the relief of the parents of Garnet Murphy; Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 11001) for the relief of Maj. O. S. McCleary, United States Army, retired; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 10813) for the relief of the parents of Donard Murphy; Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 10814) for the relief of the parents of Emmett Murphy, deceased; Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 10924) granting a pension to Jennie B. Hanks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HASTINGS: A bill (H. R. 11066) to provide for the furnishing of bonds by national and State banks and trust companies which are members of the Federal reserve system for the protection of depositors; to the Committee on Banking and Currency.

By Mr. HAWLEY: A bill (H. R. 11067) to amend section 5 of chapter 897, Forty-fourth United States Statutes at Large, Part II; to the Committee on the Public Lands.

Also (by request), a bill (H. R. 11068) to amend section 5 of chapter 897, Forty-fourth United States Statutes at Large, Part II; to the Committee on the Public Lands.

Also, a bill (H. R. 11069) to enlarge the boundaries of the Crater National Forest; to the Committee on the Public Lands.

Also, a bill (H. R. 11070) authorizing the adjustment of the boundaries of the Crater National Forest, in the State of Oregon, and for other purposes; to the Committee on the Public Lands.

By Mr. WURZBACH: A bill (H. R. 11071) providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 11072) to transfer the office of the recorder of deeds to the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BROWNING: A bill (H. R. 11073) to amend the World War veterans' act of 1924 to allow compensation to certain dependents; to the Committee on World War Veterans' Legislation.

By Mr. KETCHAM: A bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. SOMERS of New York: A bill (H. R. 11075) to amend section 5, subsection C, of the act of March 3, 1923, entitled "An act establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes"; to the Committee on Agriculture.

By Mr. BACON: A bill (H. R. 11076) authorizing the sale of certain lands on Petit Jean Mountain, near Morrilton, Ark., to the Y. M. C. A. of Arkansas; to the Committee on the Public Lands.

By Mr. EVANS of California: A bill (H. R. 11077) for the erection of a public building at the city of Huntington Park, State of California, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. KVALE: A bill (H. R. 11078) to provide for the coinage of medals in commemoration of the achievements of Col. Charles A. Lindbergh, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. GRIFFIN: A bill (H. R. 11079) relating to certain war veterans and widows in classified civil service of the United States, and for other purposes; to the Committee on the Civil Service.

By Mr. MEAD: A bill (H. R. 11080) to amend section 24 of the immigration act of 1917; to the Committee on Immigration and Naturalization.

By Mr. ASWELL: A bill (H. R. 11081) to amend the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924, as amended; to the Committee on Agriculture.

By Mr. ACKERMAN: Joint resolution (H. J. Res. 205) authorizing the Postmaster General to issue a set of stamps relative to the good-will flight of Colonel Lindbergh; to the Committee on the Post Office and Post Roads.

By Mr. DRANE: Joint resolution (H. J. Res. 206) authorizing the Secretary of Agriculture to dispose of real property located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes; to the Committee on Agriculture.

By Mr. BRAND of Georgia: Resolution (H. Res. 115) to remove the statue or portrait monument to Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony, now located in the crypt of the Capitol, to a better position on the second floor of the Capitol; to the Committee on the Library.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. ARENTZ: Memorial of the Senate of the State of Nevada, Assembly Joint Resolution 2, memorializing the Secretary of Agriculture of the United States to continue in effect his Federal quarantine against importation into the United States of livestock and livestock products from foreign countries where foot-and-mouth disease is known to exist; to the Committee on Agriculture.

Also, memorial of the Senate of the State of Nevada, memorializing Congress relative to Federal aid for highway maintenance, Assembly Joint Resolution 1; to the Committee on Roads.

Also, memorial of Senate of Nevada, Senate Joint Resolution 2, memorializing Congress relative to reimbursement by the Government of the United States for moneys paid by the State for military purposes; to the Committee on the Judiciary.

By Mr. O'CONNELL: Memorial of the Legislature of the State of New York, memorializing Congress relative to Federal aid for highway maintenance; to the Committee on Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 11082) granting an increase of pension to Maria Burley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11083) granting an increase of pension to Lorena Hickman; to the Committee on Invalid Pensions.

By Mr. BUSHONG: A bill (H. R. 11084) granting a pension to Nora K. Endy; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 11085) for the relief of Laura A. Scott; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 11086) for the relief of Richard T. Butler; to the Committee on Military Affairs.

Also, a bill (H. R. 11087) granting a pension to Stella Mae Pierce; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 11088) for the relief of John Dzikowicz; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 11089) for the relief of the Lockport Felt Co., of Newfane, N. Y.; to the Committee on Ways and Means.

By Mr. DREWRY: A bill (H. R. 11090) for the relief of the Harrison Construction Co.; to the Committee on War Claims.

By Mr. DRIVER: A bill (H. R. 11091) granting an increase of pension to Nancy Ross; to the Committee on Invalid Pensions.

By Mr. ENGLAND: A bill (H. R. 11092) for the relief of Leon Lawrence Hamb; to the Committee on Naval Affairs.

Also, a bill (H. R. 11093) for the relief of James F. Wootton; to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 11094) to correct the military record of William Estes; to the Committee on Military Affairs.

By Mr. ROY G. FITZGERALD: A bill (H. R. 11095) granting an increase of pension to Minerva J. Buck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11096) granting a pension to William C. Apgar; to the Committee on Pensions.

Also, a bill (H. R. 11097) granting a pension to Julia Little; to the Committee on Pensions.

By Mr. HUGHES: A bill (H. R. 11098) granting an increase of pension to Margaret E. Newcomb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11099) granting an increase of pension to Belle Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11100) granting a pension to John D. Keister; to the Committee on Invalid Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 11101) granting an increase of pension to Sophia J. Hyler; to the Committee on Invalid Pensions.

By Mr. HALL of Indiana: A bill (H. R. 11102) granting a pension to Anna Baker; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 11103) for the relief of Ray Wilson; to the Committee on Claims.

By Mr. JOHNSON of Indiana: A bill (H. R. 11104) granting a pension to Alonzo V. Kennedy; to the Committee on Pensions.

By Mrs. KAHN: A bill (H. R. 11105) to provide for appointing Robert J. Burton, a former field clerk, Quartermaster Corps, a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. LINDSAY: A bill (H. R. 11106) for the relief of Lieut. Francis H. McKeon; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 11107) for the relief of William H. Estabrook; to the Committee on Military Affairs.

By Mr. MAJOR of Missouri: A bill (H. R. 11108) for the relief of De Witt & Shobe; to the Committee on Claims.

Also, a bill (H. R. 11109) granting an increase of pension to Mollie F. Shockley; to the Committee on Pensions.

By Mr. MOONEY: A bill (H. R. 11110) granting an increase of pension to Sigmund Shlesinger; to the Committee on Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 11111) granting an increase of pension to Martha J. Haire; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 11112) granting an increase of pension to Mary F. Johnston; to the Committee on Invalid Pensions.

By Mr. NIEDRINGHAUS: A bill (H. R. 11113) for the relief of Gertrude Becherer; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 11114) granting a pension to Edgar Wilkerson; to the Committee on Pensions.

By Mr. PRALL: A bill (H. R. 11115) for the relief of Mary F. Tranter, administratrix of the estate of George C. Tranter, deceased; to the Committee on Claims.

By Mr. ROBINSON of Iowa: A bill (H. R. 11116) for the relief of the legal representatives of Henry Ohlekopf, deceased; to the Committee on Claims.

By Mr. RATHBONE: A bill (H. R. 11117) for the relief of Ida L. Funston; to the Committee on Claims.

By Mr. SNEEL: A bill (H. R. 11118) granting an increase of pension to Mary Constine; to the Committee on Invalid Pensions.

By Mr. SPROUL of Illinois: A bill (H. R. 11119) for the relief of Joseph H. Patenaude; to the Committee on Naval Affairs.

By Mr. STROTHER: A bill (H. R. 11120) granting an increase of pension to Josephine Roy; to the Committee on Pensions.

Also, a bill (H. R. 11121) granting an increase of pension to Polly Crum; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 11122) granting an increase of pension to Charlotte A. Smith; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 11123) granting a pension to Ida Beadle; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 11124) granting an increase of pension to Hannah Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11125) granting an increase of pension to Philena Bagley; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 11126) granting an increase of pension to Kate A. Mann; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 11127) granting a pension to Sarah E. Little; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 11128) granting a pension to Helene Pfeiffer; to the Committee on Pensions.

Also, a bill (H. R. 11129) granting a pension to Gottlieb Schwope; to the Committee on Pensions.

Also, a bill (H. R. 11130) granting a pension to Gottlieb Stephen; to the Committee on Pensions.

Also, a bill (H. R. 11131) granting a pension to William P. Stendebach; to the Committee on Pensions.

Also, a bill (H. R. 11132) granting a pension to Anton Phillip; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3995. Petition of city council of the city of Medford, Oreg., transmitting a draft of a bill "Authorizing the adjustment of the boundaries of the Crater National Forest, in the State of Oregon, and for other purposes"; to the Committee on the Public Lands.

3996. Petition of city council of the city of Medford, Oreg., transmitting a draft of a bill "To enlarge the boundaries of the Crater National Forest"; to the Committee on the Public Lands.

3997. By Mr. AYRES: Petition from citizens of Wichita, Kans., for legislation in behalf of Civil War veterans and their widows, and petition from citizens of Colwich, Kans., for legislation in behalf of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3998. By Mr. BACHMANN: Petition of Mrs. H. C. Newberger and 35 other citizens of Wheeling, Ohio County, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3999. Also, petition of E. F. Phillips Lumber Co. and West Virginia Title & Trust Co., of New Martinsville, W. Va., protesting against the passage of the Oddie bill, which proposes that the Government stop printing stamped envelopes for the general public; to the Committee on the Post Office and Post Roads.

4000. By Mr. BARBOUR: Petition of residents of the seventh congressional district of California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

4001. Also, resolutions adopted by Machinists' Local, No. 653, and Hod Carriers, Building and Common Laborers Local, No.

135, of Fresno, Calif., urging support of the Box bill placing immigration from Mexico under the quota; to the Committee on Immigration and Naturalization.

4002. By Mr. CELLER: Petition of Engraved Steel Plate Finishers Association, Washington, D. C.; to the Committee on the Civil Service.

4003. Also, petition of the Steuben Society of America, Carl Shurz Unit, No. 28, St. Louis, Mo.; to the Committee on Immigration and Naturalization.

4004. Also, petition of Dixie Post, No. 64, Veterans of Foreign Wars of the United States, National Sanatorium, Tenn.; to the Committee on World War Veterans' Legislation.

4005. By Mr. CHALMERS: Petition protesting against a competitive Navy, signed by residents of Sylvania, Ohio; to the Committee on Naval Affairs.

4006. By Mr. CRAIL: Petition of approximately seven citizens of Los Angeles County, Calif., protesting against the passage of the Brookhart bill relative to the motion-picture industry (S. 1667); to the Committee on Interstate and Foreign Commerce.

4007. Also, petition of approximately 10 citizens of Los Angeles County, Calif., against the naval armament bill; to the Committee on Naval Affairs.

4008. Also, petition of approximately 21 citizens of Los Angeles County, Calif., protesting against the passage of the Brookhart bill (S. 1667); to the Committee on Interstate and Foreign Commerce.

4009. Also, petition of approximately 22 citizens of Los Angeles County, Calif., against the passage of House bill 78 or any other similar legislation; to the Committee on the District of Columbia.

4010. By Mr. CRAMTON: Petition signed by Harry J. Lefingey and 15 other residents of New Haven, Mich., protesting against the large Navy program now under consideration; to the Committee on Naval Affairs.

4011. By Mr. CROWTHER: Petition of residents of Gloversville, N. Y., advocating increase of pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4012. By Mr. CULLEN: Letter from Maritime Exchange, 78 Broad Street, New York City, in re House bill 9481; to the Committee on Appropriations.

4013. Also, letter from the Steuben Society of America in regard to the immigration law; to the Committee on Immigration and Naturalization.

4014. By Mr. DRANE: Petition of citizens of the first congressional district of Florida, against compulsory Sunday observance legislation (H. R. 78); to the Committee on the District of Columbia.

4015. By Mr. DREWRY: Petition of citizens of Amelia County, Va., requesting a vote on a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

4016. By Mr. EATON: Petition of Peter J. Westervelt and 24 other residents of Blawenburg, N. J., upholding the national origins clause of the immigration act of 1924; to the Committee on Immigration and Naturalization.

4017. By Mr. ESTEP: Petition protesting against the building program of the naval bill by Pennsylvania Council of Churches, Rev. William L. Mudge, executive secretary; to the Committee on Naval Affairs.

4018. By Mr. GARNER of Texas: Memorial of chamber of commerce, Mercedes, Tex., in opposition to restriction of Mexican immigration; to the Committee on Immigration and Naturalization.

4019. By Mr. HARDY: Petition of 20 residents of Colorado Springs, Colo., urging the enactment of legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

4020. By Mr. JOHNSON of Texas: Petition of citizens residing in Navarro County, Tex., opposing repeal or modification of immigration law of 1924; to the Committee on Immigration and Naturalization.

4021. By Mrs. KAHN: Petition of numerous citizens of California, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4022. By Mr. KEARNS: Petition of citizens of Adams County, Ohio, urging a vote on the Civil War pension bill; to the Committee on Invalid Pensions.

4023. By Mr. KVALE: Petition of American Legion Auxiliary of Willmar, Minn., urging enactment of the Tyson-Fitzgerald bill and the universal draft bill; to the Committee on World War Veterans' Legislation.

4024. Also, petition of George F. Holden Post No. 253, American Legion, Lowry, Minn., and its auxiliary, urging enactment

of the Tyson-Fitzgerald bill and the universal draft bill; to the Committee on World War Veterans' Legislation.

4025. Also, petition of county board of commissioners of Mahanomen County, Minn., favoring a per capita payment for the Indians of the White Earth Reservation; to the Committee on Indian Affairs.

4026. Also, petition of Women's International League for Peace and Freedom, Minnesota section, protesting against the big Navy program; to the Committee on Naval Affairs.

4027. Also, petition of Minnesota District of International Federation of Cosmopolitan Clubs, favoring construction of the St. Lawrence waterway and the upper Mississippi River development project; to the Committee on Rivers and Harbors.

4028. Also, petition of the Lee-Osborn Post, No. 59, of Montevideo, Minn., urging passage of the legislative program indorsed at the national convention in Paris; to the Committee on World War Veterans' Legislation.

4029. Also, petition of members of the Hamlin Local, No. 103, of the Farmers' Educational and Cooperative Union, urging passage of the McNary-Haugen bill; to the Committee on Agriculture.

4030. Also, petition of the Eighth District (Minnesota) Congress of Parents and Teachers, favoring the Curtis-Reed education bill; to the Committee on Education.

4031. Also, petition of Montevideo A. S. of E. Cooperative Elevator & Trading Co., indorsing Senate Joint Resolution 59; to the Committee on Agriculture.

4032. Also, petition of Holloway Farmers Cooperative Elevator Co., indorsing Senate Joint Resolution 59; to the Committee on Agriculture.

4033. By Mr. MAPES: Petition of 16 residents of Grand Rapids, Mich., against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4034. By Mr. MEAD: Petition of residents of Buffalo, N. Y., in opposition to Senate bill 1667; to the Committee on Interstate and Foreign Commerce.

4035. By Mr. MOONEY: Petition of mission study class, Bethany English Lutheran Church, Cleveland, protesting the large naval building program; to the Committee on Naval Affairs.

4036. By Mr. MORROW: Petition of chamber of commerce, Grant County, Silver City, N. Mex., opposing Box bill, restricting Mexican immigration; to the Committee on Immigration and Naturalization.

4037. By Mr. NELSON of Missouri: Petition signed by Dr. Lashley M. Gray and other citizens of Prairie Home, Mo., in behalf of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

4038. By Mr. O'CONNELL: Petition of the R. H. Comey Brooklyn Co., Brooklyn, N. Y., opposing the passage of the LaGuardia bill (H. R. 7759), amending the Judicial Code; to the Committee on the Judiciary.

4039. Also, petition of Harmonia Council, No. 99, Sons and Daughters of Liberty, favoring the passage of the Aswell bill (H. R. 5473); to the Committee on Immigration and Naturalization.

4040. Also, petition of the National Association of Book Publishers, New York City, favoring the passage of House bill 8304 and Senate bill 2040, relative to postal rates; to the Committee on the Post Office and Post Roads.

4041. Also, petition of 20 citizens of the State of New York, employed in the War Department, favoring the passage of the Federal employees retirement bill and the Welch bill (H. R. 6518); to the Committee on the Civil Service.

4042. Also, petition of the United States Cedar Industry Tariff Committee, demanding an adequate cedar tariff to remove existing discriminations and handicaps against American labor, business, and industry, and to properly and fairly protect American labor, business, and industry; to the Committee on Ways and Means.

4043. By Mr. SPEARING: Petition of numerous citizens, protesting against the passage of the Brookhart bill affecting the distribution of moving-picture films; to the Committee on Interstate and Foreign Commerce.

4044. By Mr. ROBINSON of Iowa: Petition urging immediate passage of the Civil War widow's pension bill, signed by about 45 adult citizens of Dundee, Delaware County, Iowa; to the Committee on Invalid Pensions.

4045. By Mr. SWICK: Petition of Mrs. H. A. Wilder and 39 other residents of New Castle, Lawrence County, Pa., protesting against the passage of the Lankford bill, or other compulsory Sunday observance measure for the District of Columbia; to the Committee on the District of Columbia.

4046. By Mr. SWING: Petition of citizens of Inyo County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4047. Also, petition of citizens of Arlington, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4048. Also, petition of citizens of Fullerton, Calif., and vicinity, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4049. Also, petition of citizens of Beaumont, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4050. Also, petition of citizens of Little Lake, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4051. Also, petition of citizens of Brawley, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4052. By Mr. THURSTON: Petition of 56 citizens of Page County, Iowa, protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4053. By Mr. TILLMAN: Petition of H. G. Wallis and sundry other citizens of Arkansas, asking for speedy passage of bill to increase pensions for Union veterans and widows of same; to the Committee on Invalid Pensions.

4054. By Mr. TILSON: Petition of N. I. Wemstein and other residents of New Haven, Conn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4055. By Mr. VINSON of Kentucky: Petition of the residents of Ashland, Ky., against compulsory Sunday observance; to the Committee on the District of Columbia.

4056. Also, petition of the residents of the counties of Menefee, Boyd, and Carter, Ky., to increase the pension of all Civil War veterans and their widows; to the Committee on Invalid Pensions.

4057. By Mr. WHITE of Kansas: Petition of H. Coover and others, of Bickerdyke Home for Civil War Veterans, and their wives and widows, at Ellsworth, Kans.; to the Committee on Invalid Pensions.

4058. By Mr. WINTER: Petition against compulsory Sunday observance, by citizens of Weston County, Wyo., and George S. and Mary E. Stanton, Buckhorn, Wyo.; to the Committee on the District of Columbia.

4059. By Mr. WYANT: Petition of 2,175 members of churches in Mount Pleasant, Pa., and vicinity, favoring passage of Lankford Sunday rest bill (H. R. 78); to the Committee on the District of Columbia.

4060. Also, petition of Soroptimist Club, of the District of Columbia, favoring passage of Senate bill 1907 and House bill 6664; to the Committee on the Civil Service.

4061. Also, petition of C. L. Goodwin, of Greensburg, Pa., favoring Senate Joint Resolution 23 and House Joint Resolution 62; to the Committee on Rules.

SENATE

FRIDAY, February 17, 1928

(Legislative day of Thursday, February 16, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2348. An act granting the consent of Congress to the Norfolk & Western Railway Co. and Knox Creek Railway Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River near Devon, Mingo County, W. Va.; and

H. R. 9660. An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city.

SUPPLEMENTAL ESTIMATE OF APPROPRIATION—MESS HALL AT SOLDIERS' HOME, SANTA MONICA, CALIF. (S. DOC. NO. 57)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, fiscal year 1929, for the National Home for Disabled Volunteer Soldiers, for construc-